

Panaji, 19th August, 2022 (Sravana 28, 1944)

SERIES I No. 20

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

### SUPPLEMENT

#### GOVERNMENT OF GOA

Goa Legislature Secretariat

LA/LEGN/2022/1377

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

#### The Goa Irrigation (Amendment) Bill, 2022

(Bill No. 20 of 2022)

A

BILL

*further to amend the Goa Irrigation Act, 1973  
(Act 18 of 1973).*

Be it enacted by the Legislative Assembly of Goa, in the Seventy-third Year of the Republic of India as follows:-

1. *Short title, extent and commencement.*—

"(1) This Act may be called the Goa Irrigation (Amendment) Act, 2022.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette specify.

2. *Amendment of section 84.*— In the Goa Irrigation Act, 1973 (Act 18 of 1973), (herein after referred to as the "Principal Act"), in section 84:—

For clause (xii), the following clause may be substituted, namely:—

"(xii), Contravenes any rule made under this Act, the contravention whereof is declared in the rule to be an offence punishable under this section. Shall on conviction be punished for the offences under the clauses (vi), (ix) and (x) with fine which may extend to five thousand rupees and for offences under any other clause with fine which may extend to one thousand rupees:

Provided that for a second or subsequent offence under clause (vii) or clause (viii), such fine shall not be less than one thousand rupees, and under other clause, such fine shall not be less than ten thousand rupees:

Provided further that in the case of continuing offence, a daily fine not exceeding five hundred rupees for every day during the period of the continuance of the offence shall also be imposed".

#### Statement of Objects and Reasons

Clause 2 of the Bill seeks to amend Clause (xii) of Section 84 of the Goa Irrigation Act, 1973 (hereinafter referred to as the "said

Act") by modifying the Clause so as to decriminalize the Act by removing the word 'imprisonment' and increasing the penalty amounts.

This bill seeks to achieve the above objects.

#### Financial Memorandum

The proposed the Goa Irrigation (Amendment) Bill, 2022 does not involve any recurring or non-recurring expenditure from the Consolidated Fund of the State.

#### Memorandum Regarding Delegated Legislation

Clause 2 of the Bill seeks to amend Clause (xii) of Section 84 of the Goa Irrigation Act, 1973 (hereinafter referred to as the "said Act") by modifying the Clause so as to decriminalize the Act by removing the word 'imprisonment' and increasing the penalty amounts.

These delegations are of normal character.

Assembly Hall, Shri. SUBHASH SHIRODKAR  
Porvorim, Goa Hon. Minister for  
20-07-2022. Water Resources.

Assembly Hall, Smt. NAMRATA ULMAN  
Porvorim, Goa Secretary to Legislative  
20-07-2022. Assembly of Goa.

#### ANNEXURE

#### Extracts of Section 84 of The Goa Irrigation Act, 1973

##### 84. Offences under the Act.—

Whoever voluntarily and without proper authority,—

- (i) damages, alters, enlarges or obstructs any canal;
- (ii) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under any canal, or by means raises or lowers the level of the water in any canal;

(iii) opens, shuts or obstructs or attempts to open, shut or obstruct any sluice or outlet or any other similar contrivance in any canal;

(iv) corrupts or fouls the water of any canal so as to render it less fit for the purposes for which it is ordinarily used;

(v) destroys, defaces or moves any land mark or level mark or water gauge fixed under the authority of a public servant;

(vi) destroys, tampers with or removes any apparatus, or part of any apparatus for controlling, regulating or measuring the flow of water in any canal;

(vii) causes any animal or vehicle to pass on or across any of the works, banks or canals or channels of a canal contrary to the rules made under this Act after he has been required to desist there from;

(viii) causes or knowingly or willfully permits cattle to graze upon any canal or flood embankment, or causes, or knowingly and willfully permits cattle to be tethered upon any such canal or embankment or roots up any grass or other vegetation growing on any such canal or embankment or removes, cuts or in any way injures, or causes to be removed, cut or otherwise injures any tree, bush, grass or hedge intended for protection of such canal or embankment;

(ix) puts up a dam across or otherwise obstructs the free course of water the right to which vests in the Government;

(x) being responsible for the maintenance of any water-course, or using the water-course, neglects to take proper precautions necessary for the prevention of waste of the water thereof, or interferes with the authorised distribution of the water there from or uses such water in an unauthorised manner;

(xi) contravenes any provision of this Act;

(xii) contravenes any rule made under this Act, the contravention whereof is declared in the rules to be an offence punishable under this section;

shall, on conviction, be punished for the offences under clauses (vi), (ix) and (x) with imprisonment for a term which may extend to one year or with fine which may extend to one

thousand rupees or with both, and for offences under any other clause, with imprisonment for a term which may extend to two months or with fine which may extend to five hundred rupees or with both:

Provided that for a second or subsequent offence under clause (vii) or clause (viii), such fine shall not be less than fifty rupees, and under other clause, such fine shall not be less than two hundred and fifty rupees:

Provided further that in the case of a continuing offence, a daily fine not exceeding fifty rupees for every day during the period of the continuance of the offence shall also be imposed.

Assembly Hall                      Shri. SUBHASH SHIRODKAR  
Porvorim, Goa.                      Hon. Minister for  
Dated: 20-07-2022.                      Water Resources.

Assembly Hall                      Smt. NAMRATA ULMAN  
Porvorim, Goa.                      Secretary to Legislative  
Dated: 20-07-2022.                      Assembly of Goa.

Governor's Recommendation under Article  
207 of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, P. S. Sreedharan Pillai, the Governor of Goa, hereby recommend the introduction and consideration of the Goa Command Area Development (Amendment) Bill, 2022 by the Legislative Assembly of Goa.

RAJ BHAVAN                      P. S. SREEDHARAN PILLAI  
Dated: 20-07-2022.                      Governor of Goa.

LA/LEGN/2022/1378

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Command Area Development  
(Amendment) Bill, 2022  
(Bill No. 21 of 2022)

A

BILL

*further to amend the Goa Command Area  
Development Act, 1997.*

Be it enacted by the Legislative Assembly of Goa, in the Seventy-third Year of the Republic of India as follows:-

1. *Short title, extent and commencement.*—  
“(1) This Act may be called the Goa  
Command Area Development (Amendment)  
Act, 2022.

(2) It shall extend to the areas as specified in the Schedule and such other areas, as the State Government may, by notification in the Official Gazette specify.

(3) It shall come into force at once.

2. *Amendment of section 35.*— In Goa Command Area Development Act, 1997, (herein after referred to as the “Principal Act”), in Section 35 clause (1):-

For sub-clause (g) the following sub-clause may be substituted, namely:-

“(g) uses water unlawfully or unauthorisedly or agrees to or allows to grow any crops in contravention of any notification under this Act shall, on conviction, be punished with fine which shall not be less than five thousand rupees, but may extend to ten thousand rupees:

Provided that in case of a continuing offence, a fine not exceeding five hundred rupees per day shall also be imposed during the period of the continuance of the offence”.

Statement of Objects and Reasons

Clause 2 of the Bill seeks to amend Clause (1)(g) of Section 35 of the Goa Command Area Development Act, 1997 (hereinafter referred to as the “said Act”) by modifying the Clause

so as to decriminalize the Act by removing the word 'imprisonment' and increasing the penalty amounts.

This bill seeks to achieve the above objects

#### Financial Memorandum

The proposed the Goa Command Area Development (Amendment) Act, 2022 does not involve any recurring or non-recurring expenditure from the Consolidated Fund of the State.

#### Memorandum Regarding Delegated Legislation

Clause 2 of the Bill seeks to amend Clause (1)(g) of Section 35 of the Goa Command Area Development Act, 1997 (hereinafter referred to as the "said Act") by modifying the Clause so as to decriminalize the Act by removing the word 'imprisonment' and increasing the penalty amounts.

These delegations are of normal character.

Assembly Hall,      Shri. SUBHASH SHIRODKAR  
Porvorim, Goa.      Hon. Minister for  
20-07-2022.      Water Resources.

Assembly Hall,      Smt. NAMRATA ULMAN  
Porvorim, Goa      Secretary to Legislative  
20-07-2022.      Assembly of Goa.

#### ANNEXURE

#### Extracts of Section 35 of The Goa Command Area Development Act, 1997

35. Penalties.— (1) Whoever, voluntarily or without proper authority,—

(a) damages, alters, enlarges, or obstructs any "irrigation" system under a pipe outlet;

(b) interferes with, increases, or diminishes the water supply in or the flow of water from, through, over or under any "irrigation" system under a pipe-outlet;

(c) being responsible for maintenance of the "irrigation" system under a pipe outlet, neglects

to take proper precautions for prevention of wastage of the water thereof or interferes with the authorised distribution of water therefrom or uses water in an unauthorised manner or in such manner as to cause damage to the adjacent land holding;

(d) corrupts or fouls, the water of any "irrigation" system under a pipe-outlet so as to render it less fit for the purpose for which it is ordinarily used;

(e) destroys, defaces or removes any level marks or water-gauge or any other work or sign fixed by the Command Area Development Board or a public servant;

(f) opens, shuts or obstructs or attempts to open, shut, or obstruct any sluice or outlet or any other similar contrivance in any "irrigation" system under a pipe-outlet or drainage system;

(g) uses water unlawfully or unauthorisedly or agrees to or allows to grow any crop in contravention of any notification under this Act shall, on conviction, be punished with imprisonment which may extend to two years or with fine which shall not be less than one thousand rupees, but may extend to five thousand rupees or with both:

Provided that in the case of a continuing offence, a fine not exceeding one hundred rupees per day shall also be imposed during the period of the continuance of the offence.

(2) While convicting any person under subsection (1), the Judicial Magistrate may order that the said person shall remove the obstruction or repair the damage, sluice or outlet or replace the level mark, water gauge or other work in respect of which the conviction has taken place, within a period to be specified in such order. If such person neglects or refuses to obey such orders within the period so fixed, the Command Area Development Board may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person as arrears of land revenue.

Assembly Hall      Shri. SUBHASH SHIRODKAR  
Porvorim, Goa      Hon. Minister for  
Dated: 20-07-2022.      Water Resources.

Assembly Hall      Smt. NAMRATA ULMAN  
Porvorim, Goa.      Secretary to Legislative  
Dated: 20-07-2022.      Assembly of Goa.



Governor's Recommendation under Article  
207 of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, P. S. Sreedharan Pillai, the Governor of Goa, hereby recommend the introduction and consideration of the Goa Command Area Development (Amendment) Bill, 2022 by the Legislative Assembly of Goa.

RAJ BHAVAN                      P. S. SREEDHARAN PILLAI  
Dated: 20-07-2022.              Governor of Goa.

LA/LEGN/2022/1379

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Tillari Irrigation Development  
Corporation (Amendment) Bill, 2022

(Bill No. 22 of 2022)

A

BILL

*further to amend the Goa Tillari Irrigation  
Development Corporation Act, 1999 (Act 6  
of 1999).*

Be it enacted by the Legislative Assembly of Goa, in the Seventy-third Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—“(1) This Act may be called the Goa Tillari Irrigation Development Corporation (Amendment) Bill, 2022.

(2) It shall extend to the areas as specified in the Schedule and such other areas, as the State Government may, by notification in the Official Gazette specify.

(3) It shall come into force at once.

2. *Amendment of section 57.*— In the Goa Tillari Irrigation Development Corporation Act, 1999 (Act 6 of 1999), (hereinafter referred to as the “Principal Act”), in section 57:—

For section 57, the following may be substituted, namely:—

“Section 57. *Penalty for Obstruction.*— Any person who obstructs the entry of a person authorised under section 48 to enter into or upon any land or building or molests such person after such entry or who obstructs the lawful exercise by him of any power conferred by or under this Act, shall, on conviction, be punished with a fine which may extend to five thousand rupees.”

Statement of Objects and Reasons

Clause 2 of the Bill seeks to amend section 57 of the Goa Tillari Irrigation Development Corporation Act, 1999 (hereinafter referred to as the “said Act”) by modifying the Clause so as to decriminalize the Act by removing the word ‘imprisonment’ and increasing the penalty amounts.

This bill seeks to achieve the above objects

Financial Memorandum

The proposed the Goa Tillari Irrigation Development Corporation (Amendment) Bill, 2022 does not involve any recurring or non-recurring expenditure from the Consolidated Fund of the State.

Memorandum Regarding Delegated  
Legislation

Clause 2 of the Bill seeks to amend section 57 of the Goa Tillari Irrigation Development Corporation Act, 1999 (hereinafter referred to as the “said Act”) by modifying the section so as to decriminalize the Act by removing the word ‘imprisonment’ and increasing the penalty amounts.

These delegations are of normal character.

Assembly Hall,  
Porvorim, Goa  
20-07-2022.

Shri. SUBHASH SHIRODKAR  
Hon. Minister for  
Water Resources.

Assembly Hall,  
Porvorim, Goa  
20-07-2022.

Smt. NAMRATA ULMAN  
Secretary to Legislative  
Assembly of Goa.

ANNEXURE

Extracts of Section 57 of The Goa Tillari  
Irrigation Development Corporation  
Act, 1999

57. *Penalty for obstruction.*— Any person who obstructs the entry of a person authorised under section 48 to enter into or upon any land or building or molests such person after such entry or who obstructs the lawful exercise by him of any power conferred by or under this Act, shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with a fine which may extend to one thousand rupees or with both.

Assembly Hall                      Shri. SUBHASH SHIRODKAR  
Porvorim, Goa.                      Hon. Minister for  
Dated: 20-07-2022.                      Water Resources.

Assembly Hall                      Smt. NAMRATA ULMAN  
Porvorim, Goa.                      Secretary to Legislative  
Dated: 20-07-2022.                      Assembly of Goa.

Governor's Recommendation under Article  
207 of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, P. S. Sreedharan Pillai, the Governor of Goa, hereby recommend the introduction and consideration of the Goa Tillari Irrigation Development Corporation (Amendment) Bill, 2022 by the Legislative Assembly of Goa.

RAJ BHAVAN                      P. S. SREEDHARAN PILLAI  
Dated: 20-07-2022.                      Governor of Goa.

LA/LEGN/2022/1380

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Ground Water Regulation  
(Amendment) Bill, 2022

(Bill No. 23 of 2022)

A

BILL

*further to amend the Goa Ground Water Regulation Act, 2002 (Act 1 of 2002).*

Be it enacted by the Legislative Assembly of Goa, in the Seventy-third Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—  
“(1) This Act may be called the Goa Ground Water Regulation (Amendment) Act, 2022.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette specify.

2. *Amendment of section 17.*— In the Goa Ground Water Regulation Act, 2002 (Act 1 of 2002), (hereinafter referred to as the “Principal Act”), in section 17:—

For clause (B) b (ii) the following clause may be substituted, namely:—

“(b) (ii) for the second and subsequent offence, with fine which may extend upto rupees ten thousand, every time and/or sealing of the well”.

Statement of Objects and Reasons

Clause 2 of the Bill seeks to amend Section 17 (B)(b)(ii) of the Goa Ground Water Regulation Act, 2002 (hereinafter referred to as the “said Act”) by modifying the Clause so as to decriminalize the Act by removing the word ‘imprisonment’ and increasing the penalty amounts.

This bill seeks to achieve the above objects

Financial Memorandum

The proposed the Goa Ground Water Regulation (Amendment) Bill, 2022 does not involve any recurring or non-recurring

expenditure from the Consolidated Fund of the State.

Memorandum Regarding Delegated Legislation

Clause 2 of the Bill seeks to amend Section 17 (B)(b)(ii) of the Goa Ground Water Regulation Act, 2002 (hereinafter referred to as the "said Act") by modifying the section so as to decriminalize the Act by removing the word 'imprisonment' and increasing the penalty amounts.

These delegations are of normal character.

Assembly Hall, Shri SUBHASH SHIRODKAR  
Porvorim, Goa. Hon. Minister for  
20-07-2022. Water Resources.

Assembly Hall, Smt. NAMRATA ULMAN  
Porvorim, Goa. Secretary to Legislative  
20-07-2022. Assembly of Goa.

ANNEXURE

Extracts of Section 17 of The Goa Ground Water Regulation Act, 2002

17. Offences and Penalties.—

(A) For non-receipt of information:

If any user,—

(a) contravenes or fails to comply with any of the provisions of this Act or rules made thereunder, in supplying information as prescribed; or

(b) obstructs the Ground Water Officer or any other person authorised by him to exercise any powers under this Act,

he shall be punishable—

(i) for the first offence, with fine which may extend to rupees one thousand; and

(ii) for the second and subsequent offence, with fine which may extend to rupees two thousand, every time.

(B) For illegal sinking/construction and/or use of wells and/or transportation of water and/or polluting and contaminating ground water:

If any user—

(a) contravenes or fails to comply with any of the provisions of this Act or any rule made thereunder;

(b) obstructs the Ground Water Officer or any other person authorised by him to exercise the powers under this Act,

he shall be punishable—

(i) for the first offence, with fine which may extend to rupees five thousand;

(ii) for the second and subsequent offence, with imprisonment for a term which may extend to six months and/or with fine which may extend upto rupees ten thousand, every time.

Assembly Hall Shri SUBHASH SHIRODKAR  
Porvorim, Goa. Hon. Minister for  
Dated: 20-07-2022. Water Resources.

Assembly Hall Smt. NAMRATA ULMAN  
Porvorim, Goa. Secretary to Legislative  
Dated: 20-07-2022. Assembly of Goa.

Governor's Recommendation under Article 207 of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, P. S. Sreedharan Pillai, the Governor of Goa, hereby recommend the introduction and consideration of the Goa Ground Water Regulation (Amendment) Bill, 2022 by the Legislative Assembly of Goa.

RAJ BHAVAN P. S. SREEDHARAN PILLAI  
Dated: 20-07-2022. Governor of Goa.

LA/LEGN/2022/1381

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Tax on Infrastructure (Amendment)  
Bill, 2022

(Bill No. 14 of 2022)

A

Bill

*further to amend the Goa Tax on Infrastructure Act, 2009 (Goa Act 20 of 2009).*

BE it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Tax on Infrastructure (Amendment) Act, 2022.

(2) It shall come into force at once.

2. *Amendment of section 7.*— For section 7 of the Goa Tax on Infrastructure, 2009 (Goa Act 20 of 2009) (hereinafter referred as Principal Act"), the following section shall be substituted, namely:—

"7.— Whoever contravenes the provisions of this Act shall, on conviction, be liable to pay a fine, twice the amount of tax or service charge payable under this Act."

3. *Amendment of section 9.*— In section 9 of the principal Act, in sub-section (3) after the expression "resulting in any addition or deletion of building area", the expression "resulting in any addition or deletion of building area, or in case of withdrawal of the building project," shall be substituted.

Statement of Objects and Reasons

The Bill seeks to amend section 7 of the Goa Tax on Infrastructure Act, 2009 (Goa Act 20 of 2009) so as to decriminalize the provision of imprisonment in section 7 of the said Act. The Bill also seeks to amend section 9 so as to make provision for refund of tax in case of withdrawal of building project.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated  
Legislation

No delegated legislation is involved in this Bill.

Porvorim-Goa  
19th July, 2022.

VISHWAJIT P. RANE  
Hon'ble Minister  
for TCP.

Assembly Hall  
Porvorim-Goa.  
19th July, 2022.

NAMRATA ULMAN  
Secretary to the Legislative  
Assembly of Goa.

ANNEXURE

**Extracts of section 7 and 9 of the Goa Tax on Infrastructure Tax Act, 2009 (Act 20 of 2009)**

7. *Penalty.*— Whoever contravenes the provisions of this Act shall, on conviction, be liable to imprisonment for a term not exceeding one year and/or liable to pay a fine, twice the amount of tax or service charge payable under this Act.

9. *Recovery or Refund of Tax or Service charge on Infrastructure.*— (1) If any amount on account of tax or service charge on infrastructure is found to be due from any person, without prejudice to any other mode of recovery, the same may be recovered as arrears of land revenue under the provisions of the Goa Land Revenue Code, 1968 (Act No. 9 of 1969).

(2) Any amount paid in excess of infrastructure tax or service charge due to clerical error, typographical error or wrong assessment, the same shall be refunded to the concerned person/s on an application made by him to the competent authority, within a period of one year from the date of payment of the tax or service charge.

(3) In case of any revision in the plan, resulting in any addition or deletion of building area, then the tax or service charge on infrastructure levied on such building area shall be recovered or refunded, as the case may be, to the concerned person on an application made to the competent authority under this Act.

Assembly Hall  
Porvorim-Goa  
19th July, 2022.

NAMRATA ULMAN  
Secretary Legislature.



LA/LEGN/2022/1382

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

**The Goa Town and Country Planning  
(Amendment) Bill, 2022**

(Bill No. 15 of 2022)

A

Bill

*further to amend the Goa Town and Country Planning Act, 1974 (Act 21 of 1975).*

BE it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Town and Country Planning (Amendment) Act, 2022.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*— In section 2 of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975) (hereinafter referred to as the "principal Act",—

(i) After clause (19), the following clause shall be inserted, namely:—

"(19A) "local planning area" means an area other than planning area;"

(ii) after clause (30), the following clause shall be inserted, namely:—

"(31) "Zoning Plan" means a Zoning Plan prepared under this Act."

3. *Insertion of new sections 17D and 17E.*— After section 17C of the principal Act, the following sections shall be inserted, namely:—

"17D. *Power to direct preparation of Zoning Plan.*— (1) The Government may

direct the Chief Town Planner (Planning) to prepare a Zoning Plan in respect of the whole or any part or parts of the local planning area.

(2) The Zoning Plan referred under sub-section (1) shall be prepared after consultation with the concerned local authority or authorities and it shall be within the broad framework of regional plan.

(3) The provisions of sections 12, 13, 14 and 15 of this Act shall mutatis mutandis apply for preparation of Zoning Plan.

17E. *Contents of Zoning Plan.*— (1) The Zoning Plan shall,—

(a) indicate, define and provide for all the matters that have to be, or may be, indicated, defined and provided for in the regional plan with such modifications as the Government deems fit;

(b) indicate, define and provide for—

(i) areas to be reserved for agriculture, public and semi-public open spaces, parks, playgrounds, gardens, and other recreational uses, green belts and natural reserves;

(ii) comprehensive land allocation of areas or zones for residential, commercial, industrial, public utilities, agricultural and other purposes;

(iii) complete road and street pattern and traffic circulation pattern for present and future requirements;

(iv) major road and street improvements;

(v) areas reserved for public buildings and institutions and for new civic development;

(vi) areas for future development and expansion, and areas for new housing;

(vii) amenities, services and utilities;

(viii) such other matters as may be prescribed or as may be directed by the Government or the Board to be indicated, defined, and provided for;

(c) include zoning regulations to regulate within each zone, the location, height, number of storeys and size of buildings and other structures, the size of yards, courts and other open spaces and the use of buildings, structures and land;

(2) Zoning Plan for local planning area may,—

(a) indicate, define and provide for,—

(i) all such matters including planning standards, gross and new density and such guiding principles as the Government may consider expedient to be indicated, defined and provided for in the regional Plan;

(ii) detailed development of specific areas for housing, shopping centres, industrial areas, civic centres, educational and cultural institutions, rain water harvesting, garbage management, cattle pounds and other public utilities;

(iii) control of architectural features, elevation and frontage of buildings and structures;

(b) designate, any land as land subject to acquisition for any public purpose, and in particular, but without prejudice to the generality of this provision for the purposes of:—

(i) the State Governments, or for any local authority or other authority established by law and public utility concerns;

(ii) dealing satisfactorily with the areas of bad layout or obsolete development, slum areas for re-location of population;

(iii) providing for open spaces, parks and playgrounds;

(iv) securing the use of the land in the manner specified in the development plan;

(v) any of the matters as are referred to in clause (a).

(C) indicate and provide proposal for transferable development right, transferable development right for posterity, accommo-

dation reservation or any other similar technique for promoting planned development.

(3) Subject to such rules as may be made for regulating the form and contents of a Zoning Plan, any such plan shall include such maps and such descriptive matters as may be necessary to explain and illustrate the proposals included in that plan.”.

4. *Insertion of new section 99A.*— After section 99 of the principal Act, the following section shall be inserted, namely:—

“99A. *Power to engage consultant or set up a special function agency.*— The Planning and Development Authority or the Chief Town Planner (Planning) with the prior approval or upon direction of the Government may engage a consultant or set up special function agency for performance of such specific function consistent with the objects of this Act, where it is of the opinion that such function requires highest level of efficiency.”.

5. *Amendment of section 110.*— In section 110 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

(3) Any person who obstructs the entry of a person empowered or authorised under this section to enter into or upon any land or building or molests such person after such entry shall be punishable with fine which may extend to ten thousand rupees.”.

6. *Amendment of section 115.*— In section 115 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) If any officer having custody of a plan, scheme makes or causes to be made any change in such plan, scheme or in any part, such change not being authorised by or under the provisions of this Act, he shall be liable for disciplinary action.”.

7. *Amendment of section 123.*— In section 123 of the principal Act, for the expression “with fine which may be extend to two hundred rupees or with imprisonment for a term which may be extend to two months”,

the expression "with fine which may extend upto ten thousand rupees" shall be substituted.

### Statement of Objects and Reasons

The Bill seeks to provide for preparation of zoning plans for villages and towns which are not falling under planning areas and under jurisdiction of Planning and Development Authorities.

The Bill also seeks to decriminalise certain provisions of the Goa Town and Country Planning Act, 1974 (Goa Act No. 21 of 1975) (hereinafter referred to as the "said Act") by removing the imprisonment provision for minor offences under section 110,115 and 123, while increasing the fine in case of section 110 and 123 and to impose disciplinary action under section 115 of the said Act.

The Bill also seeks to insert a new section 99A in the said Act so as to enable the Planning and Development Authority and the Government to engage special function agencies/consultants for preparation of plan.

### Financial Memorandum

No financial implications are involved in this Bill

### Memorandum Regarding Delegated Legislation

Clause 1 (2) of the Bill empowers Government to issue Notification for appointing a date for bringing into force the Act.

Clause 3 of the Bill empowers Government to frame rules for indicating, defining and providing other matters to be specified in the Zoning Plan.

Porvorim-Goa  
19th July, 2022

VISHWAJIT P. RANE  
Hon'ble Minister for TCP

Assembly Hall,  
Porvorim-Goa  
19th July, 2022

NAMRATA ULMAN  
Secretary to the Legislative  
Assembly of Goa

### ANNEXURE

#### Extracts of Section 2, 110,115 and 123 of the Goa Town and Country Planning Act, 1974 (Act 21 of 1975)

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(1) "accommodation reservation" means to accord a permission by the Government to owner of land, that is required for public amenity specified in Development Plan or Regional Plan, by the Planning and Development Authority, municipal corporation, municipal council or village panchayat, as the case may be, to use the potential of such land in the form of built-up space guided by permissible Floor Area Ratio, in addition to the built-up space required for such amenity, in lieu of payment of compensation for such land and such amenity, transferred in favour of such authority;

(1A) "agriculture" includes (i) horticulture, farming, growing of crops, fruits, vegetables, flowers, grass, fodder and trees; (ii) any kind of cultivation of soil; (iii) breeding and keeping of livestock including cattle, horses, donkeys, mules, pigs, fish, poultry and bees; (iv) the use of land which is ancillary to the farming of land or any other agricultural purposes;

but does not include the use of any land attached to a building for the purposes of garden to be used along with such building; and the expression "agricultural" shall be construed accordingly;

(2) "amenities" include the utilities such as roads and streets, open spaces, parks, recreational grounds, playgrounds, water and electric supply, street lighting, sewerage, drainage, public works and other utilities, services and conveniences;

(3) "area of bad lay-out or obsolete development" means the area which is defined by a Development Plan as an area of bad lay-out or obsolete development and includes other lands contiguous or adjacent thereto;

(4) "Board" means the Goa, Town and Country Planning Board constituted under section 4;

(5) "building operations" includes—

(a) erection or re-erection of a building or any part of it;

(b) roofing or re-roofing of a building or any part of a building or an open space;

(c) any material alteration or enlargement of a building;

- (d) any such alteration of a building as is likely to affect an alteration of its drainage or sanitary arrangements or materially affect its security; and
- (e) the construction of a door opening on any street or land not belonging to the owner of a building;
- (6) "Chief Town Planner" means the Chief Town Planner appointed under section 3;
- (7) "commerce" means the carrying on of any trade, business or profession, sale or exchange of goods of any type whatsoever, and includes the running of:—
- (i) with a view to making profit, hospitals or nursing homes exceeding twenty-five beds; and
- (ii) hotels, restaurants and boarding houses not attached to educational institutions; and the expression "commercial" shall be construed accordingly;
- (8) "commercial use" includes the use of any land or building or part thereof for purposes of commerce or for storage of goods, or as an office, whether attached to any industry or otherwise;
- (9) "court" means a court under the Code of Civil Procedure, 1908 (Central Act V of 1908);
- (10) "development" with its grammatical variations and cognate expressions, means the carrying out of building, engineering, 3[ ] or other operations in, on, over or under, land, 4[ ] or the making of any material change in any building or land, or in the use of any building or land, and includes sub-division of any land;
- (11) "Development Plan" means an Outline Development Plan or a Comprehensive Development Plan prepared under this Act;
- (12) "engineering operations" includes the formation or the laying out of means of access to a road or the laying out of means of water supply, drainage, sewerage or of electricity cables or lines or of telephone lines;
- (13) "Government" means the Government of Goa,
- (14) "industrial use" includes the use of any land or building or part thereof for purposes of any industry;
- (15) "industry" includes the carrying on of any manufacturing Central process as defined in the Factories Act, Act 63 of 1948, and the expression "industrial" 1948 shall be construed accordingly;
- (16) "land" includes benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth;
- (17) "land use" means the major use to which a plot of land is being used on any specified date;
- (18) "local authority" means a municipal council or a village panchayat;
- (19) "local newspaper" in relation to any planning area, means any newspaper published or circulated within that area;
- (20) "notification" means a notification published in the Official Gazette;
- (21) "occupier" includes—
- (a) a tenant;
- (b) an owner in occupation of, or otherwise using his land or building or part thereof;
- (c) a rent-free occupant of any land or building or part thereof;
- (d) a licensee in occupation of any land or building or part thereof; and
- (e) any person who is liable to pay to the owner damages for the use and occupation of any land or building or part thereof;
- (22) "owner" in relation to any property, includes the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager, or receiver for another person, or for any religious or charitable purpose, the rents or profits of such property;
- (23) "Planning and Development Authority" means any Planning and Development Authority constituted under this Act;
- (24) "planning area" means any area declared to be a planning area under this Act;
- (25) "plot" means a continuous portion of land held in one ownership;
- (26) "prescribed" means prescribed by rules made under this Act;
- (27) "public place" means any place or building which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not, and whether the entry is regulated by any fees or not;
- (28) "reconstituted plot" means a plot which is altered either in ownership or in any other manner by a town planning scheme;



(29) "re-location of population" means in relation to an area of bad lay-out or obsolete development or a slum area, the making available, in that area or elsewhere, of accommodation, for residential purposes or for carrying on business or other activities, together with amenities, to persons living or carrying on business or other activities in the said area who have to be so accommodated so that the said area may be properly planned;

(30) "residence" includes the use for human habitation of any land or building or part thereof including gardens, grounds, garages, stables and out-houses if any, appertaining to such building; and the expression "residential" shall be construed accordingly;

(30A) "State" means the State of Goa;";

(30B) "transferable development right" means a right to transfer the potential of a land required for public purpose by the Planning and Development Authority, municipal corporation, municipal council or a village panchayat, as the case may be, expressed in terms of total permissible built-up area, for utilization by the owner himself or transfer by him to someone else, from the present location to a specified area, as additional built-up space over and above the permissible limit in that area in lieu of the payment of compensation for such land;

(30C) "transferable development right for posterity" means the right to sell, transfer or surrender the development right or potential of land zoned as agricultural land or land in other areas such as heritage site, water body, riverine land, farm land, khazan land, private forest, land under Coastal Regulation Zone and the like to alternate sites as identified in the Development Plan or Regional Plan;".

(31) ....

(32) words and expressions used in this Act and not defined herein but defined in the Goa, Municipalities Act, 1968, shall have the same meanings as 7 of 1969. are respectively assigned to them in that Act

110. Power of entry.— (1) The Chief Town Planner or Town Planning Officer of any Planning and Development Authority or any person authorised by the Board or any Planning and Development Authority may enter into, or upon, any land or building with or without assistants or workmen for the purpose of —

(a) making any enquiry, inspection, measurement or survey or taking levels of such land or building;

(b) setting out boundaries and intended lines of works;

(c) marking such levels, boundaries and lines by placing marks and cutting trenches;

(d) examining works under construction and ascertaining the course of sewers and drains;

(e) digging or boring into the sub-soil;

(f) ascertaining whether any land is being or has been developed in contravention of any provision of this Act or rules or regulations there under;

(g) doing any other act necessary for the efficient administration of this Act: Provided that—

(i) in the case of any building used as a dwelling house or upon any enclosed part or garden attached to such building, no such entry shall be made (unless with the consent of the occupier thereof) without giving such occupier at least twenty-four hours notice in writing of the intention to enter;

(ii) sufficient opportunity shall in every case be given to enable women (if any) to withdraw from such land or building;

(iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

(2) The powers of the Chief Town Planner or the Board under sub-section (1) shall extend to the whole of the Union territory, and the powers of any Town Planning Officer or any Planning and Development Authority under sub-section (1) shall extend to the planning area within the Jurisdiction of that Authority and such other area which the Government may have directed to be included in a Development Plan.

(3) Any person who obstructs the entry of a person empowered or authorised under this section to enter into or upon any land or building or molests such person after such entry shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

115. *Authentication of plans and schemes and custody thereof.*— (1) Every Regional Plan,

Development Plan or town planning scheme which is finally sanctioned by the Government shall be drawn up in duplicate and every such plan or scheme or every page thereof shall be authenticated under the seal and signature of the Secretary to the Government. One such plan or scheme shall be deposited with the member secretary of the Town and Country Planning Board and sealed with his seal and the second shall be deposited with the Planning and Development Authority concerned.

(2) The plan or scheme deposited with the member secretary or the Town and Country Planning Board under seal shall be kept under lock and key and custody of member secretary and shall not be utilised unless it is required for production in any court or any authority duly empowered in this behalf by the Government for verifying any entry made or alleged to be made in any such plan or scheme, and a certified copy of any plan or scheme or any part thereof may be given to any person on payment of a fee thereof as prescribed.

(3) Where a plan or scheme or any part thereof is produced for verification such plan or scheme or part after the relevant entry or entries therein are duly verified (such verification being made in court, or as the case may be in the Planning Board of any officer duly nominated by him in that behalf) shall be resealed with seal of Town and Country Planning Board and then deposited with him in the manner aforesaid.

(4) If any officer or person having custody of a plan, scheme makes or causes to be made any change in such plan, scheme or in any part, such change not being authorised by or under the provisions of this Act, he shall, on conviction, be punished with imprisonment which may extend to six months and shall also be liable to a fine.

**123. Penalty for obstructing contractor or removing mark.**— If any person— (a) obstructs, or molests any person engaged or employed by the Board or any Planning and Development Authority or any person with whom the Board or Planning and Development Authority has entered into a contract, in the performance or execution by such person of his duty, or of anything which he is empowered or required to do under this Act, or of any rule or regulation made there under or under the contract, as the case may be; or

(b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of work authorised under this Act, he shall

be punishable with fine which may extend to two hundred rupees or with imprisonment for a term which may extend to two months.

Assembly Hall,  
Porvorim-Goa  
19th July, 2022

NAMRATA ULMAN  
Secretary Legislature

LA/LEGN/2022/1383

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa (Regulation of Land Development  
and Building Construction) (Amendment)  
Bill, 2022

(Bill No. 16 of 2022)

A

Bill

*to amend the Goa (Regulation of Land  
Development and Building Construction)  
Act, 2008 (Goa Act No. 6 of 2008).*

BE it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

**1. Short title and commencement.**— (1) This Act may be called the Goa (Regulation of Land Development and Building Construction) (Amendment) Act, 2022.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

**2. Substitution of section 5.**— *For section 5 of the Goa (Regulation of Land Development and Building Construction) Act, 2008 (Goa Act No. 6 of 2008) (hereinafter referred to as the "principal Act"), the following section shall be substituted, namely:—*

**"5. Public notice of the regulation.**— (1) The power to make regulations under section 4 shall be subject to the condition of

publication in the Official Gazette and in at least three local newspapers having wide circulation.

(2) The Steering Committee may suggest previous publication of such regulations as decided by it in the Official Gazette and in the newspapers as stated in sub-section (1) for inviting objections and suggestions from the public for a period of thirty days".

3. *Amendment of section 6.*— In section 6 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

(2) The Steering Committee shall appoint a Sub-Committee consisting of the Director of Municipal Administration, Director of Panchayats, the Chairman or member of the Goa Chamber of Commerce and Industry, the Chairman or member of the Confederation of Real Estate Developers Association of India, a representative each of registered local Chapter/Associations of Town Planners, Engineers and Architects to consider proposals referred to it by the Steering Committee or objections and suggestions received from the public under sub-section (2) of section 5 and to submit a report within a period of two months from the date of its appointment to the Steering Committee or within such further period as the Steering Committee may from time to time extend on request of the Sub-Committee. The Senior Town Planner shall be the Member-Secretary of the such Sub-Committee".

#### Statement of Objects and Reasons

The Bill seeks to substitute section 5 of the Goa (Regulation of Land Development and Building Construction) Act, 2008 (Goa Act No. 6 of 2008) so as to provide for pre-publication of regulations made under said Act for public consultation in such matters as may be decided by the Steering Committee and to enable the Steering Committee to seek report from sub-committee for matters referred by it. The Bill also seeks to amend section 6 of the said Act so as to include the Confederation of

Real Estate Developers Association of India in the Sub-Committee, in place of the Goa Chamber of Housing Industry.

#### Financial Memorandum

No financial implications are involved in this Bill

#### Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim-Goa  
19th July, 2022.

VISHWAJIT P RANE  
Hon'ble Minister for TCP.

Assembly Hall,  
Porvorim-Goa  
19th July, 2022

NAMRATA ULMAN  
Secretary to the Legislative  
Assembly of Goa.

#### ANNEXURE

Extracts of Section 5 and 6 of the Goa (Regulation of Land Development and Building Construction), Act, 2008 (Act 6 of 2008)

5. Public notice of the regulation.— The power to make regulations under section 4 shall be subject to the condition of previous publication and such publication shall be made in the Official Gazette and in at least three local newspapers having wide circulation inviting objections and suggestions from the public for a period of thirty days.

6. Steering Committee.— (1) The Government may, by notification in the Official Gazette, appoint a "Steering Committee" consisting of the Chief Minister, Government of Goa, as its Chairman, the Minister for Urban Development, Minister for Panchayats, Minister for Town and Country Planning, Chief Secretary, Secretary to the Government of Goa in charge of Urban Development, Secretary to the Government of Goa in charge of Panchayats and Secretary to the Government of Goa in charge of Town and Country Planning, as its members. The Chief Town Planner of the Town and Country Planning Department shall be its Member Secretary. The Government may co-opt an expert having vast knowledge in the field of town planning on the said Committee.

(2) The Steering Committee shall appoint a Sub-Committee consisting of the Director of Municipal Administration, Director of Panchayats, the Chairman or member of the Goa Chamber of Commerce and Industry, the Chairman or member of the Goa Chamber of Housing Industry, a representative each of registered local Chapter/Associations of Town Planners, Engineers and Architects to consider objections and suggestions received from the public and to submit a report within a period of two months from the date of its appointment to the Steering Committee or within such further period as the Steering Committee may from time to time extend on request of the Sub-Committee. The Senior Town Planner shall be the Member Secretary of the said Sub-Committee.

(3) The Steering Committee and the Sub-Committee shall meet at such intervals and transact such business as may be prescribed.

(4) The Steering Committee shall, after considering the report of the Sub-Committee, submit its report together with recommendations to the Government within a period of thirty days from the date of receipt of the report of the Sub-Committee.

Assembly Hall,  
Porvorim-Goa  
19th July, 2022

NAMRATA ULMAN  
Secretary to the Legislative  
Assembly of Goa.

LA/LEGN/2022/1384

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa (Regulation of Film Shooting)  
(Amendment) Bill, 2022

(Bill No. 29 of 2022)

A

BILL

BE it enacted to amend the Goa (Regulation of Film Shooting) Act, 2021 (Goa Act 29 of 2021) by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa (Regulation of Film Shooting) (Amendment) Act, 2022.

(2) It shall come into force at once.

2. *Amendment of section 7.*— In section 7 of the Goa (Regulation of Film Shooting) Act, 2021 (Goa Act 29 of 2021) (hereinafter referred to as the "Principal Act"), for the expression "Imprisonment for a term which may extend to three months or with fine which may extend to five lakh rupees or with both", the expression "fine which shall not be less than fifty thousand rupees, but may extend to five lakh rupees", shall be substituted.

Statement of Objects and Reasons

The Bill seeks to amend section 7 of the Goa (Regulation of Film Shooting) Act, 2021 (Goa Act 29 of 2021) so as to decriminalize the provisions of imprisonment specified in said section 7 of the said Act.

This Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated  
Legislation

No delegated legislation is envisaged in this Bill.

Assembly Hall  
Porvorim, Goa.  
20th July, 2022

DR. PRAMOD SAWANT  
Hon'ble Chief Minister/  
Minister for  
Information and Publicity

Assembly Hall  
Porvorim, Goa.  
20th July, 2022.

NAMRATA A. ULMAN  
Secretary to the Legislative  
Assembly of Goa.



ANNEXURE

**Extract of section 7 of the Goa  
(Regulation of Film Shooting) Act, 2021**

7. Penalties for offences against the Act, etc.—  
Whoever contravenes any provisions of this Act or rules made thereunder shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five lakh rupees or with both.

Assembly Hall. Dr. PRAMODSAWANT  
Porvorim, Goa. Hon'ble Chief Minister/Minister  
20th July, 2022. for Information and Publicity.

Assembly Hall. NAMRATA A. ULMAN  
Porvorim, Goa. Secretary to the Legislative  
20th July, 2022. Assembly of Goa.

LA/LEGN/2022/1385

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

**The Goa Buildings (Lease, Rent and  
Eviction) Control (Amendment) Act, 2022**

(Bill No. 27 of 2022)

A

BILL

*further to amend the Goa Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act No. 2 of 1969).*

BE enacted by Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:-

1. *Short title and commencement.*— (1) This Act may be called the Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 2022.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*— In section 2 of the Goa Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act No. 2 of 1969) (hereinafter referred to as the "principal Act"),-

(i) clause (a) shall be re-numbered as clause (aa) and before clause (aa) so renumbered, the following clause shall be inserted, namely:—

(a) "Agreement of leave and licence" means an Agreement entered into by the landlord and the licensee containing the terms and conditions for using the building on leave and licence;

(ii) after clause (d), the following clause shall be inserted, namely:— "(da) "Deputy Collector" means the Deputy Collector having jurisdiction over the area where the building is situated;"

(iii) after clause (i), the following clauses shall be inserted, namely:-

"(ia) "leave and licence" means a permission granted by the landlord to the licensee for use of landlord's building by the licensee for a specific period and purpose without transfer of landlord's interest in the building;

(ib) "licensee" means a person who is permitted by the landlord to use his building on leave and licence".

3. *Substitution of section 23.*— For section 23 of the principal Act, the following section shall be substituted, namely:-

"23. *Landlord's right to obtain possession.*— (1) A landlord may, subject to the provisions of section 24, apply to the Controller for an order directing the tenant to put him in possession of the building,-

(a) if the landlord is not occupying a building of his own in the city, town or village concerned and requires it for his own occupation or for the occupation of any member of his family; or

(b) if the landlord who has more buildings than one in the city, town or village concerned, is in occupation of one

such building and he bonafidely requires another building instead, for his own occupation:

Provided that a person who becomes landlord after the commencement of the tenancy by an instrument 'inter vivos' shall not be entitled to apply under this sub-section before the expiry of five years from the date on which the instrument was registered:

Provided further that in case of gift from parents the above period of five years shall be reduced to two years:

Provided further that where a landlord has obtained possession of a building under this sub-section, he shall not be entitled to apply again under this section,—

(i) in case he has obtained possession of a residential building, for possession of another residential building of his own;

(ii) in case he has obtained possession of a non-residential building, for possession of another non-residential building of his own.

(2) Where the landlord of a building is a religious, charitable, educational or other public institution, it may, if the building is required for the purposes of the institution, apply to the Controller, subject to the provisions of section 24, for an order directing the tenant to put the institution in possession of the building.

(3) A landlord who is occupying only a part of a building, may notwithstanding anything in sub-section (1), apply to the Controller for an order directing any tenant occupying the whole or any portion of the remaining part of the building to put the landlord in possession thereof, if he requires additional part of the building for his own occupation or for the occupation of any member of his family.

*Explanation:—* For the purpose of this section, a landlord means a person, on account of or for the benefit of whom the rent of a building is received but does not include an agent, trustee, guardian or receiver.”.

4. *Insertion of new section 40A.*— After section 40 of the principal Act, the following section shall be inserted, namely:—

“40A. *Resumption of occupation of the building given on leave and licence basis.*—

(1) Notwithstanding anything contained in this Act, a licensee in occupation of any building given to him by a landlord on a leave and licence basis, shall vacate such building and allow the landlord to resume it's occupation immediately on expiry of the period of leave and license; and incase of failure of the licensee to so vacate the building, the landlord may apply to the Deputy Collector for an order of eviction of the licensee.

(2) On receipt of the application under sub-section (1), the Deputy Collector shall issue a notice to the licensee to show cause why an order of eviction shall not be passed against him.

(3) On receipt of the notice issued under sub-section (2), the licensee shall, in case he desires to contest such application, file his reply showing the cause, within a period of twenty days from the date of receipt of such notice.

(4) The period of twenty days to file the reply as specified in sub-section (3) may be extended by the Deputy Collector in exceptional cases, on sufficient cause being shown, by a period not more than sixty days from the date of receipt of the notice under sub-section (2).

(5) The Deputy Collector shall conduct such inquiry based solely on the documents and material produced before him. He shall consider the reply, if any, filed by the licensee and give the licensee an opportunity of being heard in the matter.

*Explanation:—* For the purpose of this section, the inquiry contemplated shall be a summary inquiry for the limited purpose of ascertaining that the building was subject matter of an agreement of leave and licence and that the period of such leave and licence has expired.

(6) The Deputy Collector, on being satisfied that the period of the leave and licence has expired and the licensee has not vacated the building, shall pass an order of eviction of the licensee and also direct the licensee to pay to the landlord the damages at double the rate of the licence fee and other charges, if any, in respect of such building as fixed under the agreement of leave and licence, till the date he vacates such building.

(7) The Deputy Collector shall not entertain any claim of whatsoever nature from any other person who is not a licensee.

(8) The Deputy Collector shall decide the application under sub-section (1) within a period of six months from the date of its filing except wherein the period is extended as stated in sub-section (4).

(9) Any licensee who fails to vacate the building, given to him by the landlord on leave and licence basis, after expiry of the leave and licence period, shall, on conviction, be punished with imprisonment which may extend to three months or with fine not exceeding rupees one lakh or with both".

5. *Amendment of section 46.*— In section 46 of the principal Act, in sub-section (1), for the words "or the Rent Tribunal", the words "the Rent Tribunal or the Deputy Collector" shall be inserted.

6. *Amendment of section 47.*— In section 47 of the principal Act, in second proviso, for the words "or the Rent Tribunal", the words "the Rent Tribunal or the Deputy Collector" shall be inserted.

7. *Insertion of new section 53A.*— After section 53 of the principal Act, the following section shall be inserted, namely:—

"53A. *Contract of lease and an agreement of leave and license to be compulsorily registered.*— (1) Notwithstanding anything contained in this Act or any other law for the time being in force, any contract of lease or agreement of leave and licence of any building, entered into between the landlord and the tenant, or the licensee, as the case

may be, after commencement of the Goa Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 2022, shall be in writing and compulsorily registered before the registering officer under the Registration Act, 1908 (Act No. 16 of 1908).

(2) It shall be the duty of the landlord to get such contract or agreement registered failing which the claim of the tenant or licensee about the terms and conditions subject to which the building has been given to him by the landlord on lease basis or leave and licence basis, shall prevail, unless proved otherwise.

(3) Any landlord who contravenes the provisions of this section shall, on conviction, be punished with the imprisonment which may extend to three months or with fine not exceeding rupees one lakh or with both.

(4) The agreement of leave and licence registered as required by sub-section (1) shall be conclusive proof of the fact of such leave and licence and the licensee shall not be permitted to claim that he is tenant in respect of the building."

8. *Amendment of section 54.*— In section 54 of the principal Act, in sub-section (1).

(i) the expression "a simple imprisonment for a term which may extend to two years and" shall be omitted;

(ii) for the word "double" the words "five times", shall be substituted.

9. *Amendment of section 56.*— In section 56 of the principal Act, for the expression "the controller," the expression "the controller, or the "Deputy Collector," shall be inserted.

#### Statement of Objects and Reasons

The Bill seeks to substitute section 23 of the Goa Building (Lease, Rent and Eviction) Control Act, 1968 (Act No. 2 of 1969) hereinafter referred as the "said Act"), existing so as to bring it in line with the judgment of Hon'ble Supreme Court dated 05-12-1995 in the matter of Harbilas Rai Bansal V/s State of Punjab & Anr in (1996 AIR 857, 1996 SCC(1) 1). The Bill seeks to insert new sections 40A and 53A so as to provide for grant

of premises on agreement of leave and licence, it also seeks to carry out consequential amendments to section 2 so as to facilitate and encourage landlords to give the buildings on leave and licence basis.

The Bill seeks to amend section 54 of the said Act so as to decriminalize provisions of imprisonment in said section.

The Bill seeks to achieve the above objects.

#### Financial Memorandum

No financial implications involved in this Bill.

#### Memorandum Regarding Delegated Legislation

Clause 1(2) of the Bill empowers the Government to issue notification for appointing a date for bring the Act into force.

Assembly Hall, Shri. ATANASIO MONSERRATE  
Porvorim-Goa, Minister for Revenue.  
21st July, 2022.

Assembly Hall, NAMRATA ULMAN  
Porvorim-Goa, Secretary to the Legislative  
21st July, 2022. Assembly of Goa.

---

**Extract of the Section 2, 23, 46 (1) 47, 54, 56 of  
the Goa, Buildings (Lease, Rent and Eviction)  
Control (Amendment) Act, 2013**

---

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “Appellate Board” means the Appellate Board constituted under sub-section (1) of section 41;

(b) “Authorised Officer” means an officer appointed as such under sub-section (2) of section 41;

(c) “Building” means any building, or part of a building, which is, or is intended to be, let separately for use as a residence or for commercial use or for any other purpose, and includes—

(i) the garden, ground and out-houses, if any, appertaining to such building or part of the building;

(ii) any furniture supplied by the landlord for use in such building or part of the building;

but does not include a room in a hotel or lodging house;

(d) “Controller” means a person appointed as a controller under sub-section (2) of section 41 and, except in section 42, includes an Additional Controller;

(e) “fair rate” means the fair rate fixed under section 37 and includes the rate as revised under section 38;

(f) “fair rent” means the fair rent fixed under Chapter III;

(g) “Government” means the Government of Goa;

(h) “hotel or lodging house” means a building, or part of a building, where lodging with or without board or other services is provided for monetary consideration;

(i) “landlord” means a person who, for the time being, is receiving, or is entitled to receive, the rent of any building, whether on his own account or on account of, or on behalf of, or for the benefit of, any other person or as a trustee, guardian or receiver for any other person or who would so receive the rent or be entitled to receive the rent, if the premises were let to a tenant;

(j) “manager of a hotel” includes any person in charge of the management of the hotel;

(k) “member of the family” means—

“[(i) in relation to a landlord who is an individual, his spouse, son, daughter and includes father, mother, grandson solely dependent on the landlord for maintenance:

Provided that in the case of married daughter, her husband shall not be entitled to claim any benefit under section 5, if his wife has already got the said benefit thereunder and in case her husband has already got the said benefit, the married daughter shall not be entitled to claim the same”.]

(ii) in relation to a landlord who is a joint Hindu family, the members of such a family;

(iii) in relation to joint owners other than a Joint Hindu family, the members of the family as indicated in sub-clause (i) in relation to each of such joint owners;

(l) “owner of a lodging House” means a person who for the time being is receiving, or is entitled to receive, whether on his own account, or on account of, or on behalf of, or for the benefit of, himself or any other person or as an agent or



guardian, receiver or a trustee or any other person, any monetary consideration from any person on account of board, lodging or other services provided in the lodging house;

(m) "prescribed" means prescribed by rules made under this Act;

(n) "Rent Tribunal" means the Rent Tribunal constituted under sub-section (1) of section 41;

(o) "tenant" means any person by whom or on whose account or behalf the rent of any building is, or but for special contract would be, payable and includes [in the event of his death the surviving spouse, or any son, or unmarried daughter or father or mother who had been living with him as a member of his family upto the date of his death and] a sub-tenant and also any person continuing in possession after the termination of his tenancy, but shall not include any person against whom any order, or decree for eviction has been made.

**23. Landlord's right to obtain possession.**— (1) A landlord may, subject to the provisions of section 24, apply to the Controller for an order directing the tenant to put him in possession of the building-

[\* ].

(a) in case it is a residential building, -

(i) if the landlord is not occupying a residential building of his own in the city, town or village concerned and he requires it for his own occupation or for the occupation of any member of his family; or

(ii) if the landlord who has more buildings than one in the city, town or village concerned is in occupation of one such building and he bona fide requires another building instead, for his own occupation;

(b) in case it is a non-residential building which is used for the purpose of keeping a vehicle or adapted for such use, if the landlord requires it for his own or to the possession of which he is entitled in the city, town or village concerned which is own or to the possession of which he is entitled whether under this Act or otherwise:

Provided that a person who becomes a landlord after the commencement of the tenancy by an instrument 'inter vivos' shall not be entitled to apply under [this sub-section] before the expiry of five years from the date on which the instrument was registered:

[Provided further that in case of gift from parents the above period of five years shall be reduced to two years]:

Provided further that where a landlord has obtained possession of a building under this section, he shall not be entitled to apply again under this section-

(i) in case he has obtained possession of a residential building for possession of another residential building of his own;

(ii) in case he has obtained possession of a non-residential building for possession of another non-residential building of his own.

(2) Where the landlord of a residential building is a religious, charitable, educational or other public institution, it may, if the building is required for the purposes of the institution, apply to the Controller, subject to the provisions of section 24, for an order directing the tenant to put the institution in possession of the building.

(3) A landlord who is occupying only a part of a residential building, may notwithstanding anything in sub-section (1), apply to the Controller for an order directing any tenant occupying the whole or any portion of the remaining part of the building to put the landlord in possession thereof, if he requires additional accommodation for his own use or for the use of any member of his family.

**Explanation.**— For the purpose of this section, a landlord means a person, on account of or on behalf of or for the benefit of whom the rent of a building is received but does not include an agent, trustees, guardian or receiver.

**46. Revision.**— (1) The Appellate Board may, in exceptional circumstances, on the application of the party, call for and examine the records relating any order passed under this Act by the Authorised Officer, the Controller, or the Rent Tribunal, for the purpose of satisfying itself as to the correctness, legality or property of such order and may pass such order thereon as it think fit:

Provided that no such record shall be called for after the expiry of ninety days from the date of the order.

(2) The cost of such proceedings shall be in the discretion of the Appellate Board.

**47. Powers of appellate and revisional authorities.**— Any appellate or revisional authority under this Act may confirm, modify or rescind the order in appeal or revision or its execution or may [remand the case for disposal with such directions as deemed fit or] pass

such other order as is as legal and is in accordance with the provisions of this Act:

Provided that no order shall be carried in division unless an opportunity has been given to the interested parties to appear and be heard:

Provided further that every order passed by the Authorised Officer, the Controller or the Rent Tribunal shall be final, unless varied in appeal or revision and every order passed in appeal or revision shall be final.

54. *Penalties.*— (1) If any person contravenes the provisions of section 15 or section 16, he shall be punishable with a simple imprisonment for a term which may extend to two years and a fine which may extend to a sum double the extra amount or the like amount claimed, received or stipulated in addition to or in excess of the fair rent or the agreed rent.

(2) Any person who contravenes or attempts to contravene or abets the contravention of any of the provisions other than section 15 or section 16 of this Act, or any rule made thereunder shall be punishable with fine which may extend to five thousand rupees.

(3) Where a person committing an offence under this Act is a company, or other body corporate, or an association of persons (whether incorporated or not), every Director, Manager, Secretary, Agent or other Officer or person concerned with the management thereof shall unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

56. *Jurisdiction of courts barred.*— Save as provided in this Act, no court shall have jurisdiction to settle, determine or deal with any question which is by or under this Act required to be settled, determined or dealt with by the Controller, the Rent Tribunal, the Appellate Board, the Administrative Tribunal, or the Administrator, and no order passed by any such authorities under this Act shall be called in question in any court.

LA/LEGN/2022/1386

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

## The Goa Tourist Places (Protection and Maintenance) (Amendment) Bill, 2022

(Bill No. 34 of 2022)

A

BILL

*further to amend the Goa Tourist Places (Protection and Maintenance) Act, 2001 (Goa Act 56 of 2001).*

BE it enacted by the Legislative Assembly of Goa in the Seventy third Year of the Republic of India as follows:-

(1) *Short title and commencement.*— (1) This Act may be called the Goa Tourist Places (Protection and Maintenance) (Amendment) Act, 2022.

(2) It shall come into force at once.

(3) *Substitution of section 10.*— For section 10 of the Goa Tourist Places (Protection and Maintenance) Act, 2001 (Goa Act 56 of 2001), the following section shall be substituted, namely:—

"10. *Offences and penalties.*— Whoever contravenes any of the provisions of this Act or fails to comply with any order or direction given under this Act or obstructs any person acting under the order or direction of the Competent Authority from exercising his powers and performing his functions under this Act, shall be punishable with fine not less than Rs. 5000/- but which may extend to Rs. 50000/-".

### Statement of Objects and Reasons

This Bill seeks to substitute section 10 of the Goa Tourist Places (Protection and Maintenance Act, 2001)(Goa Act 56 of 2001) so as to decriminalize the provisions of imprisonment as contained in said section 10 of the said Act.

This Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in the Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Assembly Hall  
Porvorim-Goa  
...July, 2022

ROHAN KHAUNTE  
Minister for Tourism.

Assembly Hall,  
Porvorim-Goa  
...July, 2022

Smt. NAMRATA ULMAN  
Secretary to the Legislative  
Assembly of Goa.

LA/LEGN/2022/1387

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Registration of Tourist Trade  
(Amendment) Bill, 2022

(Bill No. 35 of 2022)

A

BILL

*further to amend the Goa Registration of  
Tourist Trade Act, 1982 (Goa Act 10 of 1982).*

BE it enacted by the Legislative Assembly of Goa in the Seventy third Year of the Republic of India as follows:-

1. *Short title and commencement.*— (1) This Act may be called the Goa Registration of Tourist Trade (Amendment) Act, 2022.

It shall come into force on such date as the Government may by Notification in the Official Gazette, appoint.

2. *Amendment of section 22.*— In section 22 of the Goa Registration of Tourist Trade Act, 1982 (Goa Act 10 of 1982) (hereinafter

referred to as the "principal Act"), for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) In case of failure on the part of a dealer, a hotel-keeper or travel agent to pay the fine imposed under sub-section (1) and/or penal interest under sub-section (2), the same shall be recovered as an arrears of land revenue, and the business shall be liable to be closed and the prescribed authority shall proceed to seal the business premises and order disconnection of water and electric connection. The concerned Department shall be bound to comply such order within a period of four days from the date of its receipt. In case the seal affixed by the prescribed authority is tampered with or damaged, the dealer, hotel-keeper or travel agent, as the case may be, shall be liable to pay additional fine of rupees ten lakhs apart from further action under the provisions of the Indian Penal Code 1860 (Central Act 45 of 1860)."

3. *Substitution of section 26.*— For section 26 of the principal Act, the following section shall be substituted, namely,—

"26 *Penalty for malpractice.*— If any dealer, hotel-keeper, travel agent or any other person to whom this Act may be made applicable, commits a malpractice or contravenes any other provisions of this Act or the Rules made thereunder in a tourist area for which no specific penalty has been provided, he shall be liable to pay minimum fine of Rs. 2,000/- which may extend to Rs. 5,000/-".

4. *Substitution of section 27.*— For section 27 of the principal Act, the following section shall be substituted, namely,— "27 *Obstructing lawful authorities.*— If any person wilfully obstructs or offers any resistance to, or otherwise interferes in the discharge of the functions of the prescribed authority or any officer authorized by him exercising any power, or performing any duties conferred or imposed upon it or him by or in pursuance of this Act or the Rules made thereunder, he shall be liable to pay a minimum fine of

Rs. 5,000/- which may extend upto Rs. 10,000/-".

5. *Amendment of section 28.*— In section 28 of the principal Act, for sub-section (1) the following sub-section shall be substituted, namely:—

"(1) Any person committing a breach of any of the provisions of this Act or the Rules made thereunder for which he has been once punished with fine by the prescribed authority under any of the provisions of this Chapter shall be liable to pay minimum fine of Rs. 1,000/- which may extend to Rs. 20,000/-".

#### Statement of Objects and Reasons

The Bill seeks to amend section 22 of the Goa Registration of Tourist Trade Act, 1982 (Goa Act 10 of 1982) (hereinafter referred to as the "said Act") so as to regulate the operation of hotel activity and to act more effectively against the violators of the provision of said Act.

Further, the Bill seeks to decriminalize certain provisions of imprisonment in the said Act by substituting section 26 and 27 and by amending section 28 of the said Act.

This Bill seeks to achieve the above objects.

#### Financial Memorandum

No financial implications are involved in this Bill.

#### Memorandum Regarding Delegated Legislation

Clause 1(2) of the Bill empower the Government to appoint the date, by notification in Official Gazette, for bringing into force the Act.

This delegation is of normal character.

Assembly Hall,  
Porvorim-Goa  
..... July, 2022

ROHAN KHAUNTE  
Minister for Tourism

Assembly Hall,  
Porvorim-Goa  
..... July, 2022.

Smt. NAMRATA ULMAN  
Secretary to the Legislative  
Assembly of Goa.

LA/LEGN/2022/1388

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

#### Goa State Research Foundation Bill, 2022

(Bill No. 19 of 2022)

A

BILL

*to provide for the establishment of Research Foundation in the State of Goa and for the matters connected therewith or incidental thereto.*

Be it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa State Research Foundation Act, 2022.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— "In this Act, unless the context otherwise requires,"

(a) "Chairperson" means the Chairperson of the Foundation;

(b) "Governing Council" means the Governing Council constituted under section 7 of this Act;

(c) "Finance Committee" means the Finance Committee constituted under section 3 of this Act;

(d) "Government" means the Government of Goa;

(e) "Managing Director" means the Managing Director of the Foundation;

(f) "Foundation" means the Goa State Research Foundation established under section 3;

(g) "Rules" means rules made under this Act;



(h) "Research" means a systematic approach for the generation, augmentation, or improvement of knowledge in any discipline.

3. *Establishment of Foundation,—*

(1) There shall be established by the Government, by notification in the Official Gazette, a foundation by the name Goa State Research Foundation.

(2) The Foundation shall be a body corporate having perpetual succession and a common seal and shall sue and be sued by its name.

(3) The Foundation may establish a headquarter and campuses at such places as it may deem fit.

4. *Objects of the Foundation.— The objects of the Foundation shall be,—*

(a) to inculcate, facilitate and promote a research culture in the State with a state-of-the-art infrastructure;

(b) mentoring of educational institutions by eminent research scholars, by hiring, with the approval of the Government, talented young research students, Ph.D students, postdocs and faculty, and by funding, strengthening, and growing already existing high-quality programmes at such institutions;

(c) to promote high quality knowledge creation in the State and link academia, Government, industry and society;

(d) to fund competitive, peer-reviewed grant proposals of all types including seed grant, mid-career and multi disciplinary proposals, submitted by individuals or groups of individuals from institutions across all disciplines (including inter-disciplinary research); doctoral and post-doctoral fellowships;

(e) to provide fellowships for researchers, visiting researchers, faculty and students during summer vacation;

(f) to seed, grow, and facilitate research at all academic institutions including

schools, higher secondary schools and higher educational institutions;

(g) to fund research infrastructure (e.g., computing facilities) at individual institutions as well as infrastructure such as laboratories and other research equipment that can be shared across multiple institutions;

(h) to increase the role and participation of State in key areas of national and global importance, and in major national and international collaborations, through large-scale mission projects and mega projects;

(i) to act as a liason and co-ordinator amongst researchers, relevant Central and State Government bodies, industry and society, so that researchers are constantly connected with each other and with potential collaborations (including Government and industry);

(j) to support the development of the next generation of researchers and long-term development of global-quality research and innovation through innovative initiatives in education, including enhancing the cognitive and research and innovation skills of students and new researchers through various online and offline courses, workshops, and conferences on topics of current research interest, and through hackathons & competitions;

(k) recommend and support various activities and initiatives for increasing the participation of women and other under-represented groups in research;

(l) create and maintain a State level registry for the collection, interpretation, and analysis of information and data surrounding all research being conducted in the State which may be used by Governmental bodies and industry to guide their policies and directions;

(m) provide incubation centers, computing-data analysis centers, and research laboratories;

(n) provide exchange facilities among the researchers, faculties with national and international institutions/bodies/industries;

(o) recognize outstanding research and progress achieved by means of funding/mentoring across subjects and categories, through various prizes and special seminars recognising the work of the researchers;

(p) provide mechanisms for ranking of research institutions and individuals;

(q) serve as a high level think tank for the co-ordination and short and long term planning of research in the State and for the recommendation of key policy initiatives to the Government regarding research, innovation, and education;

(r) to publish periodicals, treatises, reports, journals and other literature on all subjects;

(s) to take suitable measures to conceptualize, introduce, and implement research methods at schools, high schools, higher secondaries, and higher educational institutions in the State;

(t) to do all such things as are incidental, necessary or conducive to the attainment of all or any of the objectives of the Foundation;

(u) to collaborate with any other colleges, universities, research institutions, non-profit organizations, industries, professional associations or other organizations in India or overseas to conceptualize, design, develop and offer specific educational and research programmes, training programmes and exchange programs for research students, faculty and others;

(v) communicate and popularize new discoveries, inventions, and research-related progress to public at large via different media;

(w) to undertake necessary or expedient action to pursue and promote the objectives of the Foundation.

5. *Powers and functions of the Foundation.*—"The powers and the functions of the Foundation shall be,"

(i) to administer and manage the Foundation and such centers for study, research, education and instructions as are necessary in furtherance of the objects of the Foundation;

(ii) to make provisions for research and for the advancement and dissemination of knowledge;

(iii) to inculcate and promote research culture at all levels;

(iv) to provide funding for research degrees, titles, diplomas, certificates and other distinctions;

(v) to appoint researchers and fill other positions, with the approval of Government, confer any distinctions subject to such conditions as the Foundation may determine and to withdraw any grant, titles, and other academic distinctions subject to such conditions as the Foundation may determine;

(vi) to supervise and control the residents of the Foundation and to regulate the discipline of the researchers and staff of the Foundation and to make arrangements for promoting their health and general welfare;

(vii) to create research, academic, technical, administrative, ministerial and other positions and to make appointments thereto, with the approval of Government;

(viii) to regulate and enforce discipline among the employees of the Foundation and to take such disciplinary measures as may be deemed necessary;

(ix) to institute necessary teaching, academic or research posts required by the Foundation, with the approval of Government;

(x) to institute and award fellowships, grants, scholarships, prizes and medals;

(xi) to provide for printing, reproduction and publication of research and other works and to organize exhibitions, competitions, and hackathons;

(xii) to co-operate with any other organizations in the matter of education, training and research for such purposes as may be agreed upon on such terms and conditions as the Foundation may from time to time determine;

(xiii) to co-operate with institutions of learning in any part of the world having objects wholly or otherwise similar to those of the Foundation by exchange of faculties, scholars and generally in such manner as may be conducive to the common objects;

(xiv) to regulate the expenditure and to manage accounts of the Foundation;

(xv) to establish and maintain within the premises of the Foundation or elsewhere such research centers as the Foundation may consider necessary and adequately furnish the same to establish and maintain such libraries, digital databases and reading rooms, laboratories as may appear convenient or necessary for the Foundation;

(xvi) to receive funds, grants, subventions, subscriptions, donations and gifts for the purpose of the Foundation consistent with the objects for which Foundation is established;

(xvii) to purchase, take on lease, or accept as gifts, or otherwise any land or building or works, which may be necessary or convenient for the purpose of the Foundation on such terms and conditions as it may think fit and proper and to construct or alter and maintain any such building or works, with prior approval of Government;

(xviii) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the Foundation, moveable or immovable, with prior approval of Government, on such terms and conditions as it may think fit and proper without prejudice to the interests and activities of the Foundation;

(xix) to draw and accept, to make and endorse, to discount and negotiate Government of India and other promissory notes, bills of exchanges, cheques or other negotiable instruments;

(xx) to execute conveyances, transfers, re-conveyances, mortgages, leases; licenses and agreements in respect of property, moveable or immovable including Government securities belonging to the Foundation or to be acquired for the purpose of the Foundation, with prior approval of Government;

(xxi) to appoint in order to execute an instrument or transact any business of the Foundation any person as it may deem fit, with the approval of Government;

(xxii) to start or discontinue any program offered by the Foundation;

(xxiii) to enter into any agreement with the Central Government, other State Government, or any other authorities, institutions, and industries for receiving grants;

(xxiv) to accept grant of money, securities or property of any kind or description on such terms and conditions as it may be deemed expedient;

(xxv) to raise and borrow money on bonds, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the Foundation or without any securities and upon such terms and conditions as it may think fit and to pay out of the funds of the Foundation, all expenses incidental to the raising of money, and to repay and redeem any money borrowed or debt made with the prior approval of Government;

(xxvi) to invest the funds of the Foundation or moneys entrusted to the Foundation in or upon such securities or deposits and in such manner as it may deem fit and from time to time transpose any investments with the prior approval of Government;

(xxvii) to make such regulations for regulating the affairs and the management of the Foundation and its properties and to amend and to repeal them;

(xxviii) to constitute for the benefit of the academic, research, technical, administrative and other staff, in such manner and subject to such conditions as may be prescribed, pension, insurance, provident fund and gratuity and other schemes as it may deem fit and to make such grants as it may think fit for the benefit of the staff of the Foundation and to aid in the establishment and support associations, institutions, funds and trusts for the benefit of the staff and the students of the Foundation;

(xxix) to confer rankings and other distinctions in such manner as may be prescribed;

(xxx) to delegate all or any of its powers to the Chairperson or any committee or to any one or more members of its body or to its officers;

(xxxi) to form a State level Ethical Review Committee to administer approval of research projects/proposals that include human/animal subjects;

(xxxii) to administer and facilitate sharing/use of any data that has received from public or Government funding, for the purpose of research, academic use after the end of the proprietary data period;

(xxxiii) to do all such other acts and things as the Foundation may consider necessary, conducive or incidental to the attainment or enlargement of the aforesaid objects or any of them.

6. *Authorities of the Foundation.*— "The Authorities of the Foundation shall be as follows, namely:"

- (i) The Governing Council;
- (ii) the Finance Committee; and
- (iii) such other authorities as prescribed.

7. *Governing Council.*— "(1) The Governing Council shall be the supreme authority of the Foundation. The Governing council shall be constituted by the Government which shall consist of,"

(a) the Chairperson;

(b) vice-Chairperson of the State Higher Education Council;

(c) Secretary, Higher Education, Government of Goa;

(d) Director of Higher Education, Government of Goa;

(e) Director of Education, Government of Goa;

(f) three outstanding academicians in various disciplines to be nominated by the Government;

(g) four persons having outstanding research work in the field of science, technology, social science and humanities to be nominated by the Government;

(h) three members, one each from the research institutes in the State of Goa, namely, National Institute of Oceanography, National Centre for Polar and Ocean Research, and Central Coastal Agricultural Research Institute;

(i) three eminent persons from Industry/ Profession to be nominated by the Government; and

(j) Managing Director.

(2) Where a person has become a member of the Governing Council by reason of the office or appointment, he shall hold the membership till he ceases to hold that office or appointment.

(3) The term of office of the members of the Governing Council other than the ex-officio members shall be three years.

(4) A member of the Governing Council shall cease to be a member if he resigns or becomes of unsound mind, or becomes insolvent or is convicted of a criminal offence involving moral turpitude.

(5) A member of the Governing Council, other than an ex-officio member, may resign his office by a letter addressed to the Chairperson and such resignation shall take effect as soon as it is accepted by the Chairperson.

(6) Any casual vacancy in the Governing Council shall be filled by nomination by the Government.

(7) The Chairperson shall chair the meeting of the Governing Council and in his absence the vice-chairperson of the State Higher Education Council shall chair the meeting.

8. *Chairperson of the Foundation.*— "(1) The Chairperson shall be appointed by the Government.

(2) The Chairperson shall be a full-time position.

(3) The person to be appointed as a Chairperson shall be a serving/retired Vice Chancellor of any Central/State University, or Director of any National Level academic/research Institution established under the Act of Parliament, or an outstanding academic scholar with minimum experience of ten years as a Professor and shall have a minimum of 15 research publications in any of the journals listed in Group II of UGC CARE (University Grants Commission Consortium for Academic and Research Ethics).

(4) The salary and other emoluments of the Chairperson shall be equivalent to that of the Director at Indian Institute of Management (IIM)/Indian Institute of Technology.

(5) The Chairperson shall hold office for a term of three years from the date on which he enters upon his office, and he shall be eligible for re-appointment for further term till he attains the age of seventy years.

(6) If the office of the Chairperson becomes vacant due to death, resignation or otherwise or if he is unable to perform his duties due to ill health or any other cause, the vice-chairperson of the State Higher Education Council may perform the functions of the Chairperson and in absence of both of them,

the Government may authorize any other member of the Governing Council to perform the functions of the Chairperson until the new Chairperson is appointed and he assumes his office or until the existing Chairperson attends to the duties of his office, as the case may be.

9. *Functions of Chairperson.*— "The Chairperson shall,"

(i) be the competent authority to appoint researchers, staff, librarians, finance officer and other officers on the recommendation of the Governing Council, in accordance with the guidelines as may be framed by the Governing Council.

(ii) be the competent authority to take disciplinary action against the officers of the Foundation as prescribed;

(iii) have all powers relating to the maintenance of proper discipline in the Foundation;

(iv) if, in his opinion, any emergency has arisen which requires that immediate action be taken, take such action as he may deem fit and report the same for confirmation in the next meeting of the authority which, in the ordinary course, would have dealt with the matter.

10. *Meetings of Governing Council.*— "(1) The Governing Council shall meet at least once in three months and not less than fifteen days notice shall be given of such meetings to the members. In case of any exigencies a meeting can be called without giving fifteen days prior notice.

(2) The meeting of the Governing Council shall be called by the Managing Director under instructions of the Chairperson.

(3) One-half of the members of the Governing Council shall form the quorum at any meeting.

(4) In case of difference of opinion among the members the opinion of the majority shall prevail.

(5) Each member of the Governing Council shall have one vote and in the case of equality



of votes, the Chairperson of the Governing Council or the member presiding over that meeting shall, as the case may be, have a casting vote.

(6) If urgent action by the Governing Council becomes necessary, the Chairperson may permit the business to be transacted by circulation of papers to the members of the Governing Council. The action so proposed to be taken shall not be taken unless agreed to by a majority of members of the Governing Council. The action so taken shall be forthwith intimated to all the members of the Governing Council. In case Governing Council concerned fails to take decision, the matter shall be referred to the Chairperson whose decision shall be final.

11. *Powers and functions of the Governing Council.*— "The Governing Council shall be the chief executive authority of the Foundation and shall have all powers necessary to administer the Foundation subject to the provisions of this Act and the rules made thereunder. The Governing Council shall be the plenary authority of the Foundation and shall formulate and review from time to time the broad policies and programmes of the Foundation and devise measures for the improvement and development of the Foundation and shall also have the following powers and functions, namely:—

(i) to provide academic and administrative structure of the Foundation with the approval of Government;

(ii) to consider and pass the annual report, financial statement and the budget estimates;

(iii) to make rules concerning the administration of the affairs of the Foundation including prescribing the procedures to be followed by the authorities and the officers of the Foundation in the discharge of their functions;

(iv) to manage and regulate the finances, accounts, investments, properties, business and all other administrative affairs of the

Foundation and for that purpose, to constitute committees and delegate the powers to such committees or such officers of the Foundation as it may deem fit;

(v) to invest any money belonging to the Foundation, including any unapplied income, in such stock, funds, shares or securities, as it may, from time to time, think fit, or in the purchase of immovable property in India, with the like power of varying such investments from time to time with the approval of Government;

(vi) to transfer or accept transfer of any moveable or immobile property on behalf of the Foundation with the approval of Government;

(vii) to enter into, vary, carryout and cancel contracts on behalf of the Foundation and for that purpose to appoint such officers as it may think fit;

(viii) to provide the buildings, premises, furniture and apparatus and other means needed for carrying on the work of the Foundation;

(ix) to entertain, adjudicate upon, and if it thinks fit, to redress any grievances of the officers, teachers, students and employees of the Foundation;

(x) to create academic, research, administrative, ministerial and other necessary posts, determine the number and emoluments of such posts, specify the minimum qualifications for appointment to such posts on such terms and conditions of service as prescribed.

(xi) to appoint examiners and moderators, and to remove them if necessary, and to fix their fees, emoluments and travelling and other allowances;

(xii) to select a common seal for the Foundation; and

(xiii) to exercise such other powers and to perform such other duties as may be considered necessary, or imposed on it by or under this Act.

12. *Managing Director.*— (1) There shall be a Managing Director of the Foundation.

(2) The Managing Director shall be appointed by the Government, on the recommendation of the Chairperson, subject to fulfilling selection criteria specified in sub-section (3) and on such terms and conditions as prescribed;

(3) The person to be appointed as a Managing Director shall be an academic person/ eminent researcher in any field not below the rank of Professor with administrative experience; or an academic person/ eminent researcher not below the rank of Associate Professor with minimum of 10 years of Teaching/Research experience, a minimum of 10 research publications in the Journals listed in Group II of UGC CARE (University Grants Commission Consortium for Academic and Research Ethics), and shall have administrative experience;

(4) The term of office of the Managing Director shall be three years or till he attains the age of sixty five years, whichever is earlier, and he shall be eligible for another term on recommendation of the Chairperson.

(5) The salary and other emoluments of the Managing Director shall be at the level of Professor Grade in accordance with guidelines of University Grants Commission, at the Level 14 of Pay Matrix issued by University Grants Commission under 7th Pay Commission.

13. *Functions of the Managing Director.*— "The Managing Director shall,"

(i) be the ex-officio Secretary of Governing Council, all the committees and other bodies of the Foundation and shall also be the Convenor of all the meetings. He shall note and maintain the minutes of the meetings;

(ii) be the principal adjutant of the Chairperson in all matters pertaining to the administration of the Foundation. The Governing Council may entrust to him any other special responsibilities and powers;

(iii) have the power to appoint, with the approval of Government, the non-teaching staff and contingent staff in pursuance of the recommendations of the selection committee, appointed for that purpose, in such manner as prescribed. He shall be the competent authority to take disciplinary action against employees in accordance with such procedure as prescribed;

(iv) comply with all direction and orders of the Governing Council and Chairperson;

(v) be the custodian of records, common seal and such other property of the Foundation as the Governing Council shall commit to charge.

14. *Finance Committee.*— "There shall be a Finance Committee constituted by the Governing Council consisting of,"

(a) The Chairperson;

(b) The Managing Director;

(c) Representative of Department of Finance, Government of Goa;

(d) Representative of Directorate of Higher Education, Government of Goa;

(e) One member nominated by the Governing Council from amongst its members who shall hold office so long as he continue as member of the Governing Council; and

(f) One member nominated by the Governing Council from outside of the Foundation, with knowledge in Finance.

15. *Functions and duties of the Finance Committee.*— "The functions and duties of the Finance Committee shall be,—

(1) to examine and scrutinize the annual budget of the Foundation and to make recommendations on financial matters to the Governing Council;

(2) to consider all proposals for new expenditure and to make recommendations to the Governing Council;

(3) to consider the periodical statements of accounts and to review the finances of the

Foundation from time to time and consider re-appropriation statements and audit reports and make recommendations to the Governing Council;

(4) to give its views and make recommendations to the Governing Council on any financial question affecting the Foundation either on its own initiative or on reference from the Governing Council or the Chairperson.

(5) The Finance Committee shall meet at least, thrice in a year. Three members of the Finance Committee shall form the quorum.

(6) The Chairperson shall preside over the meetings of the Finance Committee, and in his absence, a member nominated by the Chairperson among the members of the Finance committee shall preside. In case of difference of opinion among the members, the opinion of the majority of the members present shall prevail.

**16. Other Authorities, Officers and Employees.**— (1) The Foundation may appoint any other authorities, officers or employees as prescribed.

(2) Every officer or employee of the Foundation shall be appointed after executing a contract between the Foundation and the officer/employee, and a copy thereof shall be furnished to the officer or the employee concerned.

(3) Any dispute arising out of a contract between the Foundation and any of its officers or employees shall, at the request of the officer or the employee concerned or at the instance of the Foundation, be referred to a Tribunal for arbitration consisting of three members appointed by the Governing Council in such manner as prescribed.

**17. Sponsored Schemes.**— Whenever the Foundation receives funds from any Government, or other agencies sponsoring a scheme to be executed by the Foundation, notwithstanding anything in this Act or the rules, the amount received shall be kept by

the Foundation separately from the Foundation fund and utilized only for the purpose of the scheme; and the staff required to execute the scheme shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organization.

**18. Selection Committees.**— The Governing Council shall constitute various selection committees for appointment of officers and employees. The procedure for appointment of members of selection committees and the procedure to be adopted by the committees shall be such prescribed by the Government.

**19. Power to make rules.**— The Government may, by notification, make rules for carrying out all or any of the provisions of this Act.

**20. Vacancy, etc. not to invalidate any act or proceeding.**— No act or proceeding of the Governing Council, or any other authority or officer or body of the Foundation shall be invalidated or questioned on the ground merely due to existence of any vacancy or defect in the constitution thereof.

**21. Indemnity against General Proceedings.**— No suit, prosecution or other legal proceedings shall lie against the Foundation or any authority or officer or employee of the Foundation for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act, or the rules made thereunder.

**22. Power to remove difficulties.**— If any difficulty arises as to the first constitution or reconstitution of any committee, or Governing Council of the Foundation after the commencement of this Act or otherwise in giving effect to the provisions of this Act, the Government may, by order, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the date of the commencement of this Act.

### Statement of Objects and Reasons

The Honourable Prime Minister of India in his address at the 106th Indian Science Congress on 3rd January 2019, emphasized the need for establishing an expanded research ecosystem. There is a need to build a strong research ecosystem at all educational institutions in the State of Goa. It is considered necessary to encourage excellence in innovative research in the State of Goa and to provide the state-of-the-art research facilities to researchers, faculty and the students of Goa.

The National Education Policy (NEP 2020) aims to bring significant changes in education in India, and therefore emphasizes on research and innovation at all educational levels. To bring the State of Goa at the forefront of research and innovation, the sub-committee entrusted to prepare a roadmap for the implementation of NEP 2020 in the State of Goa has recommended to establish Goa State Research Foundation.

The Foundation shall function to inculcate, facilitate and promote a research culture in the State of Goa, and establish a state-of-the-art research infrastructure. This will help produce world-class researchers to achieve sustainable economic growth, enhance national security, promote well-being and societal progress, and elevate Goa's position as a global leader in frontier areas of science, technology, humanities, social sciences, etc.

This Bill seeks to achieve the above objects.

### Financial Memorandum

During initial years an expenditure of about Rs. 25 Crores is expected, which would be increased subsequently after the establishment of the Foundation. However, the exact funding to the Foundation shall be decided in consultation with Department of Finance from time to time.

### Memorandum Regarding Delegated Legislation

Clause 1 (2) of the Bill empowers the Government to appoint a date by Notification

in the Official Gazette for bringing into force the Act.

Clause 19 of the Bill empowers the Government to frame rules for carrying out priorities of the Act.

Panaji-Goa  
20th July, 2022.

Dr. PRAMOD SAWANT  
Minister for Education.

Assembly Hall,  
Porvorim – Goa  
20th July, 2022.

NAMRATA ULMAN,  
Secretary (Legislative  
Assembly of Goa).

### Governor's Recommendation under Article 207 of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, P. S. Sreedharan Pillai, the Governor of Goa, hereby recommend the introduction and consideration of the Goa State Research Foundation Bill, 2022, by the Legislative Assembly of Goa.

RAJ BHAVAN  
Date : 20-07-2022.

P. S. SREEDHARAN PILLAI  
Governor of Goa.

LA/LEGN/2022/1389

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

### The Goa Excise Duty (Amendment) Bill, 2022

(Bill No. 17 of 2022)

A

BILL

*further to amend the Goa Excise Duty Act, 1964 (Act No. 5 of 1964).*

Be it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Excise Duty (Amendment) Act, 2022.

(2) It shall come into force at once.

2. *Amendment of section 30.*— In section 30 of Goa Excise Duty Act, 1964 (Act No. 5 of 1964) (hereinafter referred to as the "principal Act"),—

(i) clause (f) shall be omitted;

(ii) second proviso shall be omitted.

3. *Amendment of section 31.*— In section 31 of the principal Act, clause (e) shall be omitted.

4. *Amendment of section 34.*— In section 34 of the principal Act, in sub-section (2), for the words "two years", the words "six months" shall be substituted.

#### Statement of Objects and Reasons

The Bill seeks to omit clause (f) alongwith second proviso of section 30 of the Goa Excise Duty Act, 1964 (Act No. 5 of 1964), so as to do away with the punishment specified for illegal toddy tapping being severe. Nowadays there is no much toddy tapping activity. If there is any violation or illegal toddy tapping, there is a penal provision in section 35 of the said Act.

The Bill also seeks to omit clause (e) of section 31 of the said Act as it is not enforceable and there is every likelihood about misuse of said provision.

Further, the Bill also seeks to amend section 34 of the said Act so as to reduce the punishment from two years to six months as penal provision of imprisonment of two years for giving false information is too severe in nature.

This Bill seeks to achieve the above object.

#### Financial Memorandum

No financial implications are involved in this Bill.

#### Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Assembly Hall,  
Porvorim, Goa.  
21-07-2022

Shri. PRAMOD SAWANT  
Hon. Chief Minister/  
Finance Minister

Assembly Hall,  
Porvorim, Goa.  
21-07-2022

Smt. NAMRATA ULMAN  
Secretary to the Legislative  
Assembly of Goa.

#### ANNEXURE

#### Extracts from the Goa Excise Duty Act, 1964 (No. 5 of 1964)

30. *[Penalty for contravention of provision.*— Whoever, in contravention of this Act, or of any rules or orders made thereunder, or of the conditions in any licence or permit obtained under this Act,—

(a) imports, exports, transports or possesses any excisable article; or

(b) manufactures or produces any excisable article or bottles liquor; or

(c) constructs or works any distillery, brewery or pot still; or

(d) uses, keeps, or has in his possession any materials, still, utensils, implements or apparatus whatsoever for the purpose of manufacturing any excisable article; or

(e) sells any excisable article or foreign liquor; or

(f) draws toddy from any tree, shall, on conviction before a Magistrate, be punished for each such offence with—

(i) [rigorous] imprisonment which may extend to [seven] years, with or without fine, if the offence relates to intoxicating drug or opium as defined in clauses (kkk) and (oo) respectively of section 2:

[Provided that the minimum punishment shall not be less than six months.]

(ii) a fine which may extend to [ten thousand rupees] or imprisonment for a term which may



extend to [two years] or; with both, if the offence relates to any other matter:

Provided that in respect of any offence under clause (f), the amount of fine may be such lower figure as may be prescribed.]

31. *Penalty for certain Acts or omissions by holders of licence.*— Whoever, being the holder of a licence or permit granted under this Act or being in the employ of such holder and acting on his behalf,—

(a) fails to produce such licence or permit on demand by any Excise Officer or any other officer empowered to make such demand; or

(b) wilfully does or omits to do anything in breach of any of the conditions of his licence or permit not otherwise provided for in this Act; or

(c) wilfully contravenes any rule made under section 22 of this Act; or

(d) permits drunkenness, disorderly conduct, riot or gambling in any place in which any liquor is sold or manufactured; or

(e) permits persons of notoriously bad character to meet or remain in any such place, shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to [ten thousand rupees or with imprisonment which may extend to six months] or with both.

34. *Vexatious search seizure, etc., by officers.*— (1) [Any Excise Officer or a Police Officer] or other person exercising powers under this Act, or under the rules made thereunder, who,—

(a) without reasonable ground of suspicion searches or causes to be searched any place;

(b) vexatiously and unnecessarily detains, searches or arrests any person;

(c) vexatiously and unnecessarily seizes the movable property of any person, on pretence of seizing or searching for any article liable to confiscation under this Act;

(d) commits, as such officer, any other act to the injury of any person, without having reason to believe that, such act is required for the execution of his duty;

shall, on conviction before a Magistrate, be punished with fine which may extend to two thousand rupees

(2) Any person wilfully and maliciously giving false information and so causing an arrest or a search

to be made under this Act shall be punishable with fine which may extend to two thousand rupees or with imprisonment for a term which may extend to two years or with both.

LA/LEGN/2022/1390

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Labour Welfare Fund  
(Amendment) Bill, 2022  
(Bill No. 25 of 2022)

A

BILL

further to amend the Goa Labour Welfare Fund Act, 1986 (Act No. 4 of 1987).

BE it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Labour Welfare Fund (Amendment) Act, 2022.

(2) It shall come into force at once.

2. *Insertion of new section 29A.*— After section 29 of the Goa Labour Welfare Fund Act, 1986 (Goa Act 4 of 1987), the following section shall be inserted, namely:—

“29A *Compounding of Offences.*— (1) Any offence punishable under this Act, not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, on an application of the accused person, either before or after the institution of any prosecution, be compounded by such Officer, as the Government may, by notification in the Official Gazette, specify, for a sum equivalent to seventy-five percent of the maximum fine provided for such offence, in such manner as prescribed.

(2) Nothing contained in sub-section (1) shall apply to an offence committed by a person for the second time or thereafter within a period of five years from the date,—

(a) of commission of a similar offence which was earlier compounded;

(b) of commission of a similar offence for which such person was earlier convicted.

(3) Every officer referred to in sub-section (1) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the Government.

(4) Every application for the compounding of an offence shall be made in such form and in such manner as may be prescribed.

(5) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.

(6) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought by the officer referred to in sub-section (1) in writing to the notice of the court in which the prosecution is pending and on such notice of the composition of the offence being given, the person against whom the offence is so compounded shall be discharged.

(7) Any person who fails to comply with an order made by the officer referred to in sub-section (1), shall be liable to pay a sum equivalent to twenty percent of the maximum fine provided for the offence, in addition to such fine.

(8) No offence punishable under the provisions of this Act shall be compounded except under and in accordance with the provisions of this section".

## Statement of Objects and Reasons

The Bill seeks to insert a new section 29A in the Goa Labour Welfare Fund Act, 1986 (Act No. 4 of 1987) so as to enable compounding of offences punishable under the said Act on payment of certain sum as specified therein.

This Bill seeks to achieve the above object.

## Financial Memorandum

No financial implications are involved in this Bill.

## Memorandum Regarding Delegated Legislation

Clause 2 of the Bill empowers the Government to frame rules for prescribing the form of application and the manner in which the same to be made.

This delegation is of normal character.

Porvorim, Goa.  
21st July, 2022  
Assembly Hall.

ATANASIO MONSERRATE  
Minister for Labour and  
Employment

Porvorim, Goa.  
21st July, 2022.

NAMRATA ULMAN  
Secretary to the Legislative  
Assembly of Goa.

## ANNEXURE-A

### Extract of The Goa Labour Welfare Fund, 1986

#### Section – 1

26. *Penalty for non-compliance with direction.*— Any person who wilfully fails to produce any document required by the Board or to furnish any information called for by the Board or willfully fails to comply with any directions issued by the Board under section 25, shall, on conviction be punished. -

(a) for the first offence, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both; and

(b) for a second or subsequent offence, with imprisonment for a term which may extend to six

months, or with fine which may extend to one thousand rupees, or with both:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the court, in any case where the offender is sentenced to fine only; the amount of fine shall not be less than hundred rupees.

**27. Penalty for obstructing inspection or for failure to produce documents, etc.—** Any person who willfully obstructs an Inspector in the exercise of his powers or discharge of his duties under this Act or fails to produce for inspection on demand by an Inspector any registers, record or other documents maintained in pursuance of the provisions of this Act or the rules made there under or to supply to him on demand true copies of any such document, shall, on conviction, be punished—

(a) for the first offence, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both; and

(b) for a second or subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both:

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the court, in any case where the offender is sentenced to fine only, the amount of fine shall not be less than hundred rupees.

**28. Offences by companies.—** (1) If the person committing an offence under this Act is a company, every person, who, at the time the offence was committed, was in-charge of, and was responsible to the company for the conduct of the business of the company as well as the company, shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

(2) Notwithstanding anything contained in sub-section. (1) where an offence under this Act has been committed by a Company, and it is proved, that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager,

secretary or other officer of the Company, such director, manager, secretary or officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.—* For the purposes of this section—

(a) 'Company' means a body corporate and includes a firm or other association of individuals; and

(b) 'Director' in relation to a firm means a partner in the firm.

**29. General provision for punishment for offences.—** Any employer who contravenes any provision of this Act or of any rule or order made thereunder shall, if no other penalty is provided separately under this Act, be punishable with imprisonment which may extend to six months or with a fine which may extend to one thousand rupees or with both.

LA/LEGN/2022/1391

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

### The Goa Industrial Development (Amendment) Bill, 2022

(Bill No. 28 of 2022)

A

BILL

*further to amend the Goa Industrial Development Act, 1965 (Act No. 22 of 1965).*

Be it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

**1. Short title and commencement.—** (1) This Act may be called the Goa Industrial Development (Amendment) Act, 2022.

(2) It shall come into force at once.

2. *Amendment of section 47.*— In section 47 of the Goa Industrial Development Act, 1965 (Act No. 22 of 1965) (hereinafter referred to as the “principal Act”), sub-section (2) thereof shall be omitted.

3. *Amendment of section 49.*— In section 49 of the principal Act,—

(i) in sub-section (1), for the expression “with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both”, the expression “with fine which may extend to fifty thousand rupees” shall be substituted;

(ii) in sub-section (2), for the expression “with imprisonment for a term which may extend to three months or with fine which may extend to Rs. 1000/- or with both”, the expression “with fine which may extend to fifty thousand rupees” shall be substituted

#### Statement of Objects and Reasons

The Bill seeks to amend sections 47 and 49 of the Goa Industrial Development Act, 1965 (Act No. 22 of 1965), so as to decriminalize the provisions of imprisonment in the said Act.

The Bill seeks to achieve the above object.

#### Financial Memorandum

No financial implications are involved in this Bill.

#### Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Secretariat, Shri. MAUVIN GODINHO  
Porvorim-Goa. Minister for Industries  
Dated: 20-07-2022.

Assembly Hall, NAMRATA ULMAN  
Porvorim, Goa. Secretary to the Legislative  
Dated: 20-07-2022 Assembly of Goa.

LA/LEGN/2022/1392

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

### The Goa Preservation of Trees (Amendment) Bill, 2022

(Bill No. 30 of 2022)

A

BILL

*further to amend the Goa, Daman and Diu Preservation of Trees Act, 1984 (Act No. 6 of 1984).*

Be it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Bill may be called the Goa Preservation of Trees (Amendment) Bill, 2022.

(2) It shall come into force at once.

2. *Amendment of long title.*— In the Goa, Daman and Diu Preservation of Trees Act, 1984 (Act 6 of 1984) (hereinafter referred to as the “principal Act”), in the long title, for the expression “Union territory of Goa, Daman and Diu”, the words “State of Goa” shall be substituted.

3. *Amendment of section 1.*— In section 1 of the principal Act,—

(i) in sub-section (1), the expression, “Daman and Diu” shall be omitted;

(ii) in sub-section (2), for the expression “Union territory of Goa, Daman and Diu”, the words “State of Goa” shall be substituted.

4. *Amendment of section 2.*— In section 2 of the principal Act, in clauses (c) and (e), the expression, "Daman and Diu" shall be omitted;

5. *Amendment of section 3.*— In section 3 of the principal Act,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The Government shall, by notification, constitute a Tree Authority for the State of Goa.";

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The Tree Authority shall consist of the following members, namely:—

- (i) Chief Secretary — Chairperson;
- (ii) Secretary — Member.  
(Forests)
- (iii) Principal Chief — Member.  
Conservator of  
Forests
- (iv) Chief Wildlife — Member.  
Warden
- (v) four Members — Members.  
of the Legislative  
Assembly of Goa  
nominated by the  
Government
- (vi) two representa- — Members.  
tives of the local  
bodies nominated  
by the Government
- (vii) Secretary (Urban — Member.  
Development)
- (viii) Secretary — Member.  
(Revenue)
- (ix) Secretary — Member.  
(Panchayats)
- (x) Member Secretary, — Member.  
Goa State Biodiver-  
sity Board
- (xi) Conservator of — Member  
Forests (Conserva- Secretary".  
tion)

6. *Substitution of section 7.*— For section 7 of the principal Act, the following section shall be substituted, namely:—

"7. *Duties of Tree Authority.*— Not withstanding anything contained in any other law for the time being in force the Tree Authority shall, subject to any general or special order of the Government,-

(a) "suggest measures for preservation of green cover including tree cover within its jurisdiction;

(b) monitor the extent of green cover including tree cover within its jurisdiction as per biannual report on state of forest and tree cover published by Forest Survey of India, Ministry of Environment, Forest and Climate Change, Government of India;

(c) specify standards regarding kind of tree which each locality, type of land and premises shall have;

(d) create an enabling environment for development and maintenance of nurseries, supply of seeds, saplings and trees to persons who are required to plant new trees or to replace trees which have been felled;

(e) monitor progress of plantations carried out in lieu of trees permitted to be felled or disposed off by Tree Officer;

(f) facilitate organization of demonstration and extension services for the purposes of this Act and assisting private and public institutions connected with planting and preservation of trees;

(g) undertake such schemes or measures as may be directed from time to time by the Government for achieving the objects of this Act;

(h) undertake critical study of the proposals involving felling of trees spread over an area admeasuring more than one



hectare under its jurisdiction for construction of buildings, roads, factories, irrigation works, laying out of electric, telephone, telegraphic and other transmission lines with regard to protection of existing trees and planting of more trees, wherever possible; and

(i) advise on promotion, demarcation, acquisition and development of land as wood lots, gardens, parks and picnic spots in cities, towns and villages for the use and recreation of public."

7. *Amendment of section 15.*— In section 15 of the principal Act, in sub-section (1), for the words "thirty days", the words sixty days from the date of such order or direction" shall be substituted.

8. *Amendment of section 22.*— In section 22 of the principal Act, in clause (a), in sub-clause (i), for the words "rupees twenty five thousand", the words "rupees fifty thousand" shall be substituted.

9. *Amendment of section 30.*— In section 30 of the principal Act, the words "the Government" shall be omitted.

#### Statement of Objects and Reasons

The Goa, Daman and Diu Preservation of Trees Act, 1984 (Act No. 6 of 1984) (hereinafter referred to as the "said Act") was enacted by when Goa was a part of the Union Territory of Goa, Daman and Diu. After enactment of the Goa, Daman and Diu Reorganization Act, 1987 (Central Act 18 of 1987), a new State of Goa and new Union Territory of Daman and Diu were formed. After Goa attained statehood, the said Act remained in force and it is now proposed to omit the expressions, "Daman and Diu" and "Union territory" wherever occurring in the said Act.

The Bill also seeks to amend section 3 of the said Act so as to constitute a single Tree

Authority and to specify the members of the Tree Authority.

The Bill also seeks to substitute section 7 of the said Act so as to specify the duties of a Tree Authority.

The Bill also seeks to amend sub-section (1) of section 15 of the said Act so as to increase period of thirty days provided to file appeal to sixty days in view of directions of the Hon'ble High Court passed in order dated 08-07-2021 in Public Interest Litigation Writ Petition No. 08/2021 (Living Heritage Foundation Vs State of Goa and Others).

The Bill also seeks to amend section 22 of the said Act so as to increase quantum of the compounding fee with a view to make it more deterrent and also considering the increase in the market value of timber/produce over the years.

The Bill also seeks to amend section 30 of the said Act so as to make the said Act applicable to the Government as well.

This Bill seeks to achieve the above objects.

#### Financial Memorandum

No financial implications are involved in this Bill.

#### Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim, Goa  
21-07-2022.

Shri VISHWAJIT P. RANE  
Minister for Forests.

Assembly Hall  
Porvorim, Goa  
21-07-2022.

NAMRATA ULMAN  
Secretary to the  
Legislative Assembly.

ANNEXURE

Detailed Justification for the Amendments Proposed

Section	Existing Provision	Proposed Amendment	Justification
1	2	3	4
	<b>Goa, Daman and Diu Preservation of Trees Act, 1984</b>	<b>Goa Preservation of Trees Act, 1984</b>	
1	<i>Short title, extent and commencement.—</i>	<i>Short title, extent and commencement.—</i>	Amendment proposed as the earlier Act was enacted in 1984 when Goa was part of Indian Union as Union Territory and now it is a State and Daman & Diu are Union Territories
(i)	This Act may be called the Goa, Daman and Diu Preservation of Trees Act, 1984.	This Act may be called the Goa Preservation of Trees Act, 1984.,	
(i)	For the words "Union Territory" wherever they occur	the words "State of Goa" shall be substituted	
2	<i>Definitions.—</i> In this Act, unless the context otherwise require	<i>Definitions.—</i> In this Act, unless the context otherwise require	
(a), (aa) & (e)	Government	Government of Goa	
(c) & (e)	The expressions " Daman and Diu"	Shall be omitted	
3	<i>Establishment of the Tree Authority.—</i>	<i>Establishment of the Tree Authority.—</i>	The members of two authorities are same except public representatives. The agenda of both tree authorities are more or less same and usually joint meetings are convened. Therefore, Goa being a small State, it is proposed that instead of two there may be a single apex authority at State level.
(1)	The Government shall, by notification, constitute a Tree Authority for each revenue district in the union territory of Goa, Daman & Diu.	The Government shall, by notification, constitute a Tree Authority for the State of Goa.	
(2)	The Tree Authority shall consist of the following members, namely:—	The Tree Authority shall consist of the following members, namely:—	1. Since the notification of the Act in 1984, when the Forest Department in Goa was headed by Conservator of Forests, the organizational set up and its functions have increased manifold. The Department was headed by Chief Conservator of Forests in 2002, by Additional Principal Chief Conservator of Forests in 2009 and by Principal Chief Conservator of Forests since 2012.
(i)	(Development Commissioner or any other officer not below the rank of Secretary to the Government nominated by the Government — Chairman;	(i) Chief Secretary— Chairperson;	
(ii)	Collector of the concerned Revenue District— Member;	(ii) Secretary (Forests)— member.	
(iii)	Two Members of the Legislative Assembly	(iii) Principal Chief Conservator of Forests— member.	
		(iv) Chief Wildlife Warden— member.	
		(v) four Members of the Legislative Assembly of	

1	2	3	4
	nominated by the Government—Member.	Goa nominated by the Government—members.	2. In view of the proposed changes to sub-section (1) of section 3 of the Act, it is proposed to include Principal Chief Conservator of Forests, Chief Wildlife Warden & Secretaries of three concerned Departments and other experts to ensure larger stakeholder participation. The proposed amendment does not exclude any of the earlier members.
(iv)	Two Representatives of the local bodies nominated by the Government—Members;	(vi) two representatives of the local bodies nominated by the Government—members.	
(v)	Conservator of Forests or his nominee — Member-Secretary.	(vii) Secretary (Urban Development) — member.	
		(viii) Secretary (Revenue) — member.	
		(ix) Secretary (Panchayats) — member.	
		(x) Member Secretary, Goa State Biodiversity Board—Member.	
		(xi) Conservator of Forests (Conservation) — member secretary.	3. Presently, Deputy Conservator of Forests (DCF) of two territorial forest divisions i.e. North & South Goa are the Member Secretaries of their respective District-wise Tree Authorities. Since both the DCF's/Tree Officers are under administrative control of Conservator of Forest (Conservation), it is proposed that for the State level Tree Authority, he may be designated as Member Secretary of the Tree Authority.
7	<b>Duties of Tree Authority</b> Notwithstanding anything contained in any other law for the time being in force, the Tree Authority shall, subject to any general or special order of the Government, be responsible for:	<b>Duties of Tree Authority</b> Notwithstanding anything contained in any other law for the time being in force the Tree Authority shall, subject to any general or special order of the Government:	Ever since 1984, either due to technical advancements or due to increased functions of Forest Department, some of the duties of Tree Authority are proposed for substitution and renumbered.
(a)	the preservation of all trees within its jurisdiction;	suggest measures for preservation of green cover including tree cover within its jurisdiction;	The provision under this sub clause is proposed for modification in light of reports of Forest Survey of India which includes both tree cover and extent of green cover outside forest area and provides a comparative picture on both in its biannual report.
(b)	carrying out census of the existing trees and obtaining,	monitor the extent of green cover including tree cover	The primary objective of this duty of Tree Authority is to

1	2	3	4
	whenever considered necessary, declarations from all owners or occupants about the number of trees in their lands;	within its jurisdiction as per biannual report on state of forest and tree cover published by Forest Survey of India, Ministry of Environment, Forest and Climate Change, Government of India;	ascertain/assess the tree/green cover within its jurisdiction i.e. all areas in Goa except Government Forest lands. This sub-section is proposed to be deleted for the following reasons:—
			<p>a. This Act is of 1984 when the technology was neither readily available nor widely used for assessment of forest and tree cover; and tree census was one of the methods to assess tree cover.</p> <p>b. Forest Survey of India, Ministry of Environment, Forest &amp; Climate Change, Government of India (FSI) has been publishing biannual report on state of forest and tree cover in all States since 1987. Over a period of time, with technological and methodological improvements owing to better satellite data, higher scale mapping and improvements in method of interpretation, the successive reports of FSI present a continuous, comprehensive and comparative picture of extent and quality of forest and tree cover in all states including Goa. The report also provides necessary information for the purpose of management of trees outside forest areas.</p> <p>c. As per FSI, there is no record of tree census worldwide as complete enumeration of all the trees is neither possible nor feasible due to large non-sampling error. Moreover, the cost and manpower required for such enumeration will be</p>

1	2	3	4
			huge.
			d. As per an exercise carried out by forest department, tree census in entire Goa will include approximately 3.17 Crore trees spread over in about 2,482 Sq. Km area and is likely to entail expenditure of Rs. 89.09 Crore.
			e. Moreover, deliverables of census i.e. the tree/green cover may not be of much significance for any specific implementation considering that Goa is one of the greenest States in country. This sub-section is proposed to be inserted in lieu of the extant sub-clause (b) of clause 7 to achieve its primary objective i.e. to ascertain/assess the tree/green cover within its jurisdiction.
(c) specifying standards regarding the number and kind of trees which each locality, type of land and premises shall have and which shall be planted subject to minimum of five trees per hectare in the case of rural areas;	specify standards regarding kind of tree which each locality, type of land and premises shall have;		a. The provision under this sub clause is proposed for modification with regards to number or number per hectare trees to be planted because number of trees to be planted by a private person will depend on his own requirement and land availability. Moreover, it will be very difficult to implement this clause on ground.
			b. However, the Tree Authority from time to time may suggest and issue advisory/guideline about type of tree species suitable for plantation in a particular locality/area and desired spacing between two trees and between tree lines for proper growth of the tree.

1	2	3	4
(d) development and maintenance of nurseries, supply of seeds, saplings and trees to persons who are required to plant new trees or to replace trees which have been felled;	create an enabling environment for development and maintenance of nurseries, supply of seeds, saplings and trees to persons who are required to plant new trees or to replace trees which have been felled;	Tree authority may guide and suggest measures for further scientific development of nurseries for raising of Quality Planting Material [QPM] which may be supplied to individuals to plant new trees in lieu of trees felled.	
(e) planting and transplanting of trees necessitated by construction of buildings, new roads or widening of existing roads or replacement of trees which have failed to come up along roads or for safeguarding danger to life and property;	monitor progress of plantations carried out in lieu of trees permitted to be felled or disposed off by Tree Officer;	The primary objective of this duty of Tree Authority is to ensure that trees are planted in lieu of the trees that have been permitted to be felled. This sub section is proposed to be deleted since a duty for compensatory plantation has already been cast by virtue of provisions of Section 10 of the Act as per which "Every person, who is granted permission under section 9 of this Act to fell or dispose off any tree, as specified in clauses (j) of section 2 of this Act, shall be bound to plant/replant such number and kind of trees in the area from which the tree is felled or disposed off by him under such permission, as may be directed by Tree Officer. Regarding transplantation of trees both the tree officers have been directed to critically examine all the tree felling permissions and give specific reasons/recommendations with respect to trees which can be preserved at the site and trees which could be transplanted at the cost of user agency. This sub section is proposed to be inserted in lieu of the extant sub clause (e) of clause 7 to achieve its primary objective i.e. to ensure that trees are planted in lieu of the trees that have been permitted to be felled. This additional provision is to ensure that section 10 of Act is followed in letter and spirit and for each tree felled the requisite number of trees are planted. It is	



1	2	3	4
			proposed that it may be monitored from time to time by the Tree Authority.
(f) organization of demonstration and extension services for the purposes of this Act and assisting private and public institutions connected with planting and preservation of trees;	facilitate organization of demonstration and extension services for the purposes of this Act and assisting private and public institutions connected with planting and preservation of trees;		The words "facilitate" proposed to be inserted.
(g) planting and maintaining such number of trees as may be considered necessary according to the prescribed standards on roads, in public parks and gardens and on the banks of rivers or lakes or seashores;	To be deleted		This sub-section is proposed to be deleted and renumbered as this proviso is covered under sub-section (c) of section 7 of the Act
(h) undertaking such schemes or measures as may be directed from time to time by the Government for achieving the objects of this Act;	undertake such schemes or measures as may be directed from time to time by the Government for achieving the objects of this Act;		The word "undertaking" to be replaced with "undertake"
(i) undertaking critical study of the proposals of various Government Departments and private bodies for construction of buildings, roads, factories, irrigation works, laying out of electric, telephone, telegraphic and other transmission lines with regard to protection of existing trees and planting of more trees, wherever possible; and	undertake critical study of the proposals involving felling of trees spread over an area admeasuring more than one hectare under its jurisdiction for construction of buildings, roads, factories, irrigation works, laying out of electric, telephone, telegraphic and other transmission lines with regard to protection of existing trees and planting of more trees, wherever possible; and		<p>The primary objective of this duty of Tree Authority is to critically analyze all development proposals involving tree felling received under the Act. The Tree Officers receive more than 1,000 tree cutting proposals per year. This would not only be humungous task for the Tree Authority to critically analyze each and every proposal but also likely to cause delay in grant of permission, if any.</p> <p>As per section 9 (3) of this Act, tree officer can give tree felling permission maximum in One Hectare area at a time. In case area is more than one hectare, the proposal will have to be put for approval of Government for exemption as per Section 30 of this Act.</p> <p>In view of above, it is proposed to modify this sub clause so that Tree authority may undertake critical study of development</p>

1	2	3	4
			projects which involve felling of trees spread over an area admeasuring more than one Hectare within its jurisdiction. With the recommendations of Tree Authority, development project may be placed before competent authority for consideration/approval.
(j) promotion, demarcation, acquisition and development of land as wood lots, gardens, parks and picnic spots in cities, towns and villages for the use and recreation of public.	advise on promotion, demarcation, acquisition and development of land as wood lots, gardens, parks and picnic spots in cities, towns and villages for the use and recreation of public.		The words "advise on" proposed to be inserted.
<b>15 Appeal. —</b>	<b>Appeal. —</b>		
(1) An appeal shall lie against the order or direction of the Tree officer or the Deputy Collector, as the case may be under sections 9,10,11, 12 and 12A to the Appellate Authority within a period of thirty days .	An appeal shall lie against the order or direction of the Tree officer or the Deputy Collector, as the case may be under sections 9,10,11, 12 and 12A to the Appellate Authority within a "period of sixty days from the date of issuing of order or directions."		Amendment proposed as per the directions of Hon'ble High Court in PIL Writ Petition No. 08/2021 (Living Heritage Foundation Vs State of Goa & Others) and also acknowledged by the Tree Authority meeting held on 02-09-2021
<b>22. Power to compound offence</b>	<b>Power to compound offence</b>		
1(a) The Government may, by notification, empower a Tree Officer or any Forest Officer not below the rank of Deputy Conservator of Forests-to compound any offence committed under this Act on payment of –	The Government may, by notification, empower a Tree Officer or any Forest Officer not below the rank of Deputy Conservator of Forests-to compound any offence committed under this Act on payment of –		—
(i) a sum not exceeding "rupees twenty five thousand" by way of composition for the offence which such person is suspected to have committed, and	a sum not exceeding "rupees fifty thousand"] by way of composition for the offence which such person is suspected to have committed, and		Amendment proposed to limit the power of acceptance of composition by a Tree Officer or any Forest Officer not below the rank of Deputy Conservator of Forests up to Rs. 50,000/- due to hike in market rates and value of timber.

1	2	3	4
30.	<p><b>Act not to apply to certain areas.-</b> Nothing in this Act shall apply to the Government, a Government forest under the control of the Forest Department, a forest or forest land notified under the Indian Forest Act, 1927.</p>	<p><b>Act not to apply to certain areas.-</b> Nothing in this Act shall apply to a Government forest under the control of the Forest Department, a forest or forest land notified under the Indian Forest Act, 1927.</p>	<p>a. As per section 30 of Act, the Act and its provisions are not applicable to the Government.</p> <p>b. However, as per present dispensation, in case of Government Department, tree felling is regulated through Government of Goa, Circular No.13-3-92-FOR dated 15-11-1991. In place of tree felling permission, Tree officer issues No Objection Certificate for felling of Trees. The obligation to plant saplings three times the number of trees felled is followed. However, security deposit and felling fee is not taken from Government Department.</p> <p>c. In view of the above, it is proposed that to implement Act in letter and spirit, it should be applicable to Government as well. Accordingly, the words "the Government" is proposed for deletion/omission from section 30 as it is not in consonance with the spirit of Act i.e. "preservation of all the trees".</p> <p>d. Notwithstanding the proposed amendment, Section 31 of the Act gives power to Government to exempt any area or any species of trees from all or any of the provisions of this Act in public interest. This provision can be used on case-to-case basis for exemption to Government Department considering the importance/strategic significance of particular government project.</p>

LA/LEGN/2022/1393

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

**The Goa Essential Services  
Maintenance (Amendment) Bill, 2022**

(Bill No. 31 of 2022)

A

BILL

*to amend the Goa Essential Services  
Maintenance Act, 1988 (Goa Act No. 20  
of 1989).*

BE it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Essential Services Maintenance (Amendment) Act, 2022.

(2) It shall come into force on such date as the Government may by notification in the Official Gazette, appoint.

2. *Amendment of section 4.*— In section 4 of the Goa Essential Services Maintenance Act, 1988 (Goa Act No. 20 of 1989) (hereinafter referred to as the "principal Act"),—

(i) for the words "six months", the words "three years" shall be substituted;

(ii) for the words "fine which may extend to two hundred rupees", the words "minimum fine of rupees one thousand" shall be substituted.

3. *Amendment of section 5.*— In section 5 of the principal Act,—

(i) for the words "one year", the words "three years" shall be substituted;

(ii) for the words "fine which may extend to one thousand rupees", the words "minimum fine of rupees five thousand" shall be substituted.

4. *Amendment of section 6.*— In section 6 of the principal Act,—

(i) for the words "one year", the words "three years" shall be substituted;

(ii) for the words "fine which may extend to one thousand rupees", the words "minimum fine of rupees five thousand" shall be substituted.

5. *Amendment of section 9.*— In title and in section 9 of the principal Act, for the word "non-bailable", wherever it occurs, the expression "cognizable and non-bailable" shall be substituted.

**Statement of Objects and Reasons**

The Bill seeks to amend sections 4, 5, and 6 of the Goa Essential Services Maintenance Act, 1988 (Goa Act No. 20 of 1989), so as to increase the punishment provided in said sections to have deterrent effect and prevention of offence. Amendment to section 9 is consequential in nature.

This Bill seeks to achieve the above objects.

**Financial Memorandum**

No financial implications are involved in this Bill.

**Memorandum Regarding Delegated  
Legislation**

Clause 1(2) of the Bill empowers the Government to issue Notification in the Official Gazette for appointing a date to bring the Act into force.

These delegation are of normal character.

Porvorim-Goa,  
21-07-2022.

Dr. PRAMOD SAWANT  
Home Minister

Assembly Hall,  
Porvorim-Goa.  
21-07-2022.

NAMRATA ULMAN  
Secretary to the Legislative  
Assembly of Goa.

ANNEXURE

Extract of section 4, 5, 6 and 9 of  
The Goa Essential Services Maintenance Act,  
1988 (Goa Act 20 of 1989)

Section – 4

4. *Penalty of illegal strikes.*— Any person who commences a strike which is illegal under this act or goes or remains on, or otherwise takes part in, any such strike shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

Section – 5

5. *Penalty of instigation, etc.*— Any person who instigates or incites other persons to take part in, or otherwise acts in furtherance of, a strike which is illegal under this Act shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both, and any vehicle or other conveyance which is used by such person while committing such offence, shall, if having regards to all the circumstances the Court considers it just and proper so to order, be forfeited to the Government.

Section – 6

6. *Penalty for giving financial aid to illegal strikes*— Any person who knowingly extends or supplies any money in furtherance or support of a strikes which is illegal under this Act shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both.

Section – 9

9. *Offences under Act to be non-bailable*— Notwithstanding anything contained in the Code of Criminal procedure, 1973 (Central Act 2 of 1974), all offences under this Act shall be non-bailable.

LA/LEGN/2022/1394

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Diseases of Animals  
(Amendment) Bill, 2022

(Bill No. 36 of 2022)

A

Bill

further to amend the Goa Diseases of Animals Act, 1974 (Goa Act 9 of 1974)

BE it enacted by the Legislative Assembly of Goa in the Seventy third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Diseases of Animals (Amendment) Act, 2022.

(2) It shall come into force at once.

2. *Amendment of section 28.*— In section 28 of the Goa Diseases of Animals Act, 1974 (Goa Act 9 of 1974) (hereinafter referred to as the "principal Act"), for the expression "shall, on conviction, be punished in the case of a first conviction with fine which may extend to one hundred rupees, and in the case of a second or subsequent conviction whether under the same or any other clause of this section, with simple imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees or with both.", the expression

"shall, on conviction, be punished in the case of a first conviction with a fine which may extend to two thousand rupees, and in the case of a second or subsequent conviction whether under the same or any other clause of this section, with fine which may extend to five thousand rupees." shall be substituted.

3. *Amendment of section 29.*— In section 29 of the principal Act, for the expression "with imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both, and in the case of a subsequent conviction with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both", the expression "with fine which may extend

to two thousand rupees, and in the case of a subsequent conviction with fine which may extend to five thousand rupees" shall be substituted.

4. *Amendment of section 30.*— In section 30 of the principal Act, in sub-section (1), for the expression "with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both", the expression "with fine which may extend to five thousand rupees" shall be substituted.

#### Statement of Objects and Reasons

The Bill seeks to amend sections 28, 29 and 30 of the Goa Diseases of Animals Act, 1974 (Goa Act 9 of 1974) so as to decriminalise the provisions of imprisonment for violations contained in said sections.

This Bill seeks to achieve the above object.

#### Financial Memorandum

No financial implications are involved in this Bill.

#### Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim, Goa                      NILKANTH HALARNKAR  
20th July, 2022                      Minister for Animal  
   Husbandry and  
   Veterinary Services

Assembly Hall,                      NAMRATA ULMAN  
Porvorim, Goa                      Secretary to the Legislative  
20th July, 2022                      Assembly of Goa.

#### ANNEXURE

#### Extracts of Section 28, 29 and 30 of the Goa Diseases of Animals Act, 1974 (Act 9 of 1974)

28. *Penalties.*— Whoever,—

(i) fails to comply with or contravenes the terms of any notification issued under section 5,

or fails to carry out any requisition made or directions given, by or under the said section, or

(ii) fails to carry out any direction specified in, or contravenes the terms of, any notification issued under section 6 or imports any animal in contravention of the provisions of sub-section (2) thereof, or

(iii) fails to feed or look after the upkeep of the animal under sub-section (4) of section 7 or fails to produce the permit under sub-section (5) thereof, or

(iv) fails to comply with an order made by an Inspector under sub-section (1) of section 8, or

(v) removes any animal or thing from an infected area or place in contravention of the provisions of section 14, or

(vi) fails to comply with any direction given by an Inspector or a Police Officer under section 15, or

(vii) fails to cleanse or disinfect any vessel, or vehicle used for removing animals in the manner prescribed as required under sub-section (1), or fails to cause any vessel or vehicle to stop and remain stationary when required to do so under sub-section (2), of section 16, or

(viii) fails to comply with an order made by a Veterinary Surgeon under section 17,

or

(ix) fails to report that an animal is infective as required by section 19, or

(x) fails to keep an infective animal separate as required by section 20, or

(xi) keeps or grazes any animal which he knows to be infective in contravention of the provisions of section 21, or

(xii) brings or attempts to bring any animal which he knows to be infective in contravention of the provisions of section 22, or

(xiii) disinters or causes to be disinterred the carcass or any part of the carcass of any animal which at the time of its death was infective or was destroyed on account of its being infective or suspected to be infective in contravention of the provisions of section 24,

shall, on conviction, be punished in the case of a first conviction with fine which may extend to one hundred rupees, and in the case of a second or subsequent conviction whether under

the same or any other clause of this section, with simple imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees or with both.

29. *Penalty for placing carcass of infective animal in river, etc.*— Whoever places or causes or permits to be placed in any river, lake, canal or other water or in the sea within such distance from the shore, as may be prescribed, the carcass or any part of the carcass of any animal which at the time of its death was infected or which was destroyed on account of its being infective or suspected to be infective, in contravention of the provisions of section 23, shall, on conviction, be punished, in the case of a first conviction with imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both, and in the case of a subsequent conviction with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

30. *Penalty for vexatious entry, inspection and seizure.*— (1) Whoever, being an Inspector or a Veterinary Surgeon, appointed under this Act, vexatiously and unnecessarily enters or inspects any land, building or other place or any vessel or vehicle or seizes or detains any animal shall, on conviction, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) No prosecution under this section shall be instituted after the expiry of three months from the date on which the offence has been committed.

Assembly Hall, NAMRATA ULMAN  
Porvorim, Goa Secretary to the Legislative  
20th July, 2022 Assembly of Goa

LA/LEGN/2022/1395

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

## The Goa School Education (Amendment) Bill, 2022

(Bill No. 37 of 2022)

A

BILL

*further to amend the Goa School Education Act, 1984 (Act 15 of 1985).*

BE it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This act may be called the Goa School Education (Amendment) Act, 2022.

(2) it shall come into force at once.

2. *Amendment of section 4.*— In section 4 of the Goa School Education Act, 1984 (Goa Act No. 15 of 1985) (hereinafter referred to as the "principal Act"),-

(i) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) Where a school is established without prior permission of the Director, he may, after giving the managing committee or the manager of such school a reasonable opportunity of showing cause against the proposed action, take over the management of such school for a limited period not exceeding three years.";

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

"(4A) Where an additional class is opened in an existing school, without the prior permission of the Director, he may, after giving the managing committee or the manager of such school a reasonable opportunity of showing cause against the proposed action, withdraw the recognition of such school.".

3. *Amendment of section 19.*— In section 19 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely:—



"(4) Where any aided school collects fees or any other charges or receives any other payment beyond the prescribed limit fixed by the Director, he may, after giving the managing committee or the manager of such school a reasonable opportunity of showing cause against the proposed action, take over the management of such school for a limited period not exceeding three years."

4. *Amendment of section 23.*— In section 23 of the principal Act, in sub-section (1), for the expression "he shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both", the expression "he shall be punished with fine which shall not be less than ten thousand rupees, but which may extend to fifty thousand rupees" shall be substituted.

#### Statement of Objects and Reasons

The Bill seeks to amend section 4, 19 and 23 of the Goa School Education Act, 1984 (Act 15 of 1985) so as to decriminalize the provisions of imprisonment as specified in said sections of the said Act.

This Bill seeks to achieve above object.

#### Financial Memorandum

No financial implications are involved in this Bill

#### Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Panaji-Goa  
20th July, 2022

PRAMOD SAWANT  
Minister for Education

Assembly Hall,  
Porvorim-Goa

NAMRATA ULMAN  
Secretary (Legislative  
Assembly of Goa)

LA/LEGN/2022/1396

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

### The Goa Agriculture Produce and Livestock Marketing (Promotion and Facilitation (Amendment) Bill, 2022

(Bill No. 39 of 2022)

A

BILL

*further to amend the Goa Agricultural Produce and Livestock Marketing (Promotion and Facilitation) Act, 2007 (Goa Act 11 of 2007).*

Be, it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Agricultural Produce and Livestock Marketing (Promotion and Facilitation) (Amendment) Act, 2022.

(2) It shall come into force at once.

2. *Substitution of section 49.*— For section 49 of the Goa Agricultural Produce and Livestock Marketing (Promotion and Facilitation) Act, 2007 (Goa Act 11 of 2007), the following section shall be substituted, namely:—

"(49) *Power to levy market fees (single point levy).*— The Marketing Board shall levy and collect market fee from buyer in respect of notified agricultural produce including livestock bought by such buyer in the principle market yard or sub market yard(s) or market sub-yard(s) or anywhere in the State of Goa either brought from outside the State or from within the State, at such rate as may be notified by the Government by notification in the Official

Gazette but not exceeding two percent ad valorem on transacted produce in case of non-perishable agricultural produce and not exceeding one percent ad valorem in case of perishable agricultural produce and livestock.

Provided that market fees specified under this section shall not be levied for the second time, in whatever name it is called i.e. cess, user charge, service charge, etc, in any principal market yard, sub-market yard(s), market sub-yard(s), or anywhere in the State of Goa, private market yard, electronic trading platform within the State provided that market fee at applicable rate has already been paid on that notified agricultural produce in any principal market yard sub market yard(s), market sub-yard(s), private market yard, electronic trading platform within the State and the evidence to this effect has been furnished, by the concerned person that market fee has already been paid as aforesaid in the State:

Provided further that in case of commercial transactions between traders, the market fee shall be collected and paid by the seller:

Provided also that in case buyer is not licensee and seller is farmer, the liability of payment of market fee shall be of commission agent who will collect the market fee from buyer and deposit to the Marketing Board”.

#### Statement of Objects and Reasons

The Bill seeks to amend section 49, of the Goa Agricultural Produce and Livestock Marketing (Promotion and Facilitation) Act, 2007 (Goa Act 11 of 2007) so as to enable the Marketing Board to levy and collect market fee from buyer of notified agricultural produce so as to provide self sustainability to the Marketing Board and help the Marketing Board in creating necessary infrastructure in agriculture marketing. This will also provide data of notified items imported/exported in the State of Goa at the check post at various borders.

#### Financial Memorandum

The Amendment proposed will generate revenue amounting to approximately Rs. 800 lakhs per annum on account of levy of Market Fee on notified agriculture commodities and livestock which will help to self sustainability to the Marketing Board and hence there will not be any financial burden on State exchequer.

#### Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Assembly Hall,  
Porvorim, Goa  
21-07-2022.

Shri RAVI NAIK  
Hon. Minister for  
Agriculture

Assembly Hall,  
Porvorim, Goa  
21-07-2022.

Smt. NAMRATA ULMAN  
Secretary to Legislative  
Assembly of Goa.

#### ANNEXURE

#### **Extract of Section 49 the Goa Agricultural Produce and Livestock Marketing (Promotion and Facilitation) Act, 2007 (Goa Act 11 of 2007).**

49. Levy of market fee (single point levy of market fee).-

The Marketing Board shall levy and collect market fee from buyer in respect of notified agricultural produce including livestock bought by such buyer in the principal market yard or sub-market yard(s) or market sub-yard(s) either brought from outside the State or from within the State, at such rate as may be notified by the Government but not exceeding two percent ad valorem on transacted produce in case of non-perishable agricultural produce and not exceeding one percent ad valorem in case of perishable agricultural produce and livestock:

Provided that the notified agricultural produce imported/purchased/ bought from any person other than agriculturist into the market area shall not be

liable for payment of Market fee with effect from 15-06-2020.

Provided that market fees specified under this section shall not be levied for the second time, in whatever name it is called, i.e. cess, user charge, service charge, etc., in any principal market yard, sub-market yard, market sub-yard, private market yard, electronic trading platform within the state provided that market fee at applicable rate has already been paid on that notified agricultural produce in any principal market yard, sub-market yard, market sub-yard, private market yard, electronic trading platform within the State and the evidence to this effect has been furnished, by the concerned person that market fee has already been paid as aforesaid in the State:

Provided further that in case of commercial transactions between traders, the market fee shall be collected and paid by the seller:

Provided also that in case of buyer is not licensee and seller is farmer, the liability of payment of market fee shall be of commission agent who will collect the market fee from buyer and deposit to the Marketing Board.

LA/LEGN/2022/1397

The following bill which was introduced in the Legislative Assembly of the State of Goa on 20th July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

**The Goa Plant Diseases and Pests  
(Amendment) Bill, 2022**

(Bill No. 40 of 2022)

A

Bill

*to amend the Goa Plant Diseases and Pests Act, 1976 (Act No.12 of 1976)*

Be it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Plant Diseases and Pests (Amendment) Act, 2022.

It shall come into force at once.

2. *Amendment of section 10.*— In section 10 of the Goa Plant Diseases and Pests Act, 1976 (Act No. 12 of 1976),—

I. in sub-section (2), for the expression “fine not exceeding fifty rupees or in default to simple imprisonment for a period not exceeding ten days”, the expression “fine not exceeding five thousand rupees” shall be substituted;

II. in sub-section (3), for the expression “fine not exceeding two hundred and fifty rupees or in default to simple imprisonment for a term not exceeding one month”, the expression “with fine not exceeding five thousand rupees” shall be substituted;

**Statement of Objects and Reasons**

The Bill seeks to amend section 10, of the Goa Plant Diseases and Pests Acts, 1976 (Act No. 12 of 1976) so as to decriminalize the provisions of imprisonment as specified in said section 10 of the said Act.

**Financial Memorandum**

No financial implications are involved in this Bill.

**Memorandum Regarding Delegated  
Legislation**

No delegated legislation is envisaged in this Bill.

Porvorim-Goa  
Dated: 21-07-2022.

Shri. RAVI NAIK  
Hon'ble Minister for  
Agriculture

Assembly Hall,  
Porvorim, Goa  
Dated: 21-07-2022.

NAMRATA ULMAN  
Secretary to the Legislative  
Assembly of Goa.

LA/LEGN/2022/1398

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Ferries (Amendment) Bill, 2022

(Bill No. 41 of 2022)

A

BILL

*To amend the Goa Ferries Act, 1990 (Goa No. Act 9 of 1990).*

BE it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Ferries (Amendment) Act, 2022.

(2) It shall come into force at once.

2. *Amendment of section 10.*— In section 10 of the Goa Ferries Act, 1990 (Goa Act No. 9 of 1990), sub-section (2) thereof shall be omitted.

Statement of Objects and Reasons

The Bill seeks to amend section 10 of the Goa Ferries Act, 1990 (Goa Act No. 9 of 1990) so as to decriminalize the provision of imprisonment as contained in said section 10 of the said Act.

This Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim-Goa SUBHASH PHAL DESSAI  
Dated 20-07-2022. Hon. Minister for River  
Navigation Department

Assembly Hall NAMRATA ULMAN  
Porvorim-Goa. Secretary to the Legislative  
Dated: 20-07-2022. Assembly of Goa.

ANNEXURE

Extract of section 10 of the Goa  
Ferries Act, 1990

10 (1) Whoever fails to pay the toll or uses any public ferry without paying the toll or obstructs any officer appointed to collect the toll in any way in exercise of his duties under the Act shall be liable to pay such amount as may be prescribed as penalty.

Porvorim-Goa SUBHASH PHAL DESSAI  
Dated 20-07-2022. Hon. Minister for River  
Navigation Department.

Assembly Hall NAMRATA ULMAN  
Porvorim-Goa. Secretary to the Legislative  
Dated: 20-07-2022. Assembly of Goa.

LA/LEGN/2022/1399

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Staff Selection Commission  
(Amendment) Bill, 2022

(Bill No. 26 of 2022)

A

BILL

*further to amend the Goa Staff Selection Commission Act, 2019 (Goa Act 11 of 2019).*

BE it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Staff Selection Commission (Amendment) Act, 2022.

(2) It shall be deemed to have come into force on the 11th day of May, 2022.

2. *Amendment of section 7.*— In section 7 of the Goa Staff Selection Commission Act, 2019 (Goa Act 11 of 2019), in sub-section (8), the following proviso shall be inserted, namely:—

“Provided that where advertisements for filling up of the sub-ordinate services/posts were issued prior to the 8th day of January, 2022, the concerned Department may conduct examination and complete the selection process of such sub-ordinate services/posts not later than one year from the date of commencement of the Goa Staff Selection Commission (Amendment) Act, 2022.”.

3. *Repeal and savings.*— (1) The Goa Staff Selection Commission (Amendment) Ordinance, 2022 (Ordinance No. 2 of 2022) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Goa Staff Selection Commission Act, 2019 (Goa Act 11 of 2019) as amended by the said Ordinance, shall be deemed to have been done or taken under the said Act, as amended by this Act.

#### Statement of Objects and Reasons

In section 7, of the Goa Staff Selection Commission Act, 2019 (Goa Act 11 of 2019) (hereinafter referred to as the “said Act”) sub-section (8) was inserted which inter-alia laid down that the Government Departments may, after obtaining prior approval from the Department of Personnel of the Government, conduct examinations for selecting candidates for appointment to sub-ordinate services/posts for a period of one year from the date of commencement of the Goa Staff Selection Commission (Amendment) Act, 2021.”.

Prior to coming into effect of the model code of conduct for Assembly elections in February 2022, various Departments had initiated the process of filling up of vacancies by advertising and accepting the applications. It will be wasteful exercise to re-advertise the vacancies. So also, Departments are facing shortage of manpower, and many Departments have desired to complete the

recruitment process and fill up the vacancies for which the advertisements were issued and the applications are accepted prior to coming into force of the Model code of conduct.

The insertion of proposed proviso to sub-section (8) of section 7 of the said Act shall enable the concerned Department to conduct examination and complete the selection process to sub-ordinate services/posts not later than one year from the date of commencement of the Goa Staff Selection Commission (Amendment) Act, 2022, in cases where advertisements for filling up the sub-ordinate services/posts were issued prior to 8th day of January, 2022.

The Bill also seeks to repeal the Goa Staff Selection Commission (Amendment) Ordinance, 2022 (Ordinance No. 2 of 2022) promulgated by the Governor of Goa on 11-05-2022.

This Bill seeks to achieve the above objects.

#### Financial Memorandum

Financial implications are involved in this Bill in relation to the recruitment process, salaries etc.

#### Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Assembly Hall,  
Porvorim-Goa,  
20th July, 2022.

Dr. PRAMOD SAWANT  
Hon. Chief Minister

Assembly Hall,  
Porvorim-Goa.  
20th July, 2022.

NAMRATA ULMAN  
Secretary (Legislature)

#### ANNEXURE

##### Extract of the Section 7 of the Goa Staff Selection Commission Act, 2019.

Amendment of section 7.— In section 7 of the Goa Staff Selection Commission Act, 2019 (Goa Act 11 of 2019) after sub-section (7), the following sub-section shall be inserted, namely:—

“(8) Notwithstanding anything contained in this section, the Government Departments may, after obtaining prior approval from the Department of Personnel of the Government, conduct examinations for selecting candidates for appointment to sub-ordinate services/posts for a period of one year from the date of commencement of the Goa Staff Selection Commission (Amendment) Act, 2021.”.

Assembly Hall, NAMRATA ULMAN  
Porvorim-Goa. Secretary (Legislature)  
20th July, 2022.

LA/LEGN/2022/1400

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

**The Goa Fruit and Ornamental Plant  
Nurseries (Regulation) (Amendment)  
Bill, 2022**

(Bill No. 38 of 2022)

A

Bill

*to amend ‘The Goa Fruit and Ornamental Plant Nurseries (Regulation) Act, 1995 (Goa Act 13 of 1997)*

BE it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Fruit and Ornamental Plant Nurseries (Regulation) (Amendment) Act, 2022.

(2) It shall come into force at once.

1. *Amendment of section 15.*— In section 15 of the Goa Fruit and Ornamental Plant Nurseries (Regulation) Act, 1995 (Goa Act 13 of 1997) for the expression “with fine which may extend to one thousand rupees, or imprisonment for a term which may extend to

one month, or with both”, the expression “with fine which may extend to five thousand rupees” shall be substituted.

**Statement of Objects and Reasons**

The Bill seeks to amend section 15 of the Goa Fruit and Ornamental Plant Nurseries (Regulation) Act, 1995 (Goa Act 13 of 1997) so as to decriminalize the provision of imprisonment as specified in said section 15 of the said Act.

**Financial Memorandum**

No financial implications are involved in this Bill.

**Memorandum Regarding Delegated  
Legislation**

No delegated legislation is envisaged in this Bill.

Porvorim-Goa Shri. RAVI NAIK  
Dated: 21-07-2022. Hon'ble Minister for  
Agriculture

Assembly Hall, NAMRATA ULMAN  
Porvorim, Goa Secretary to the Legislative  
Dated: 21-07-2022. Assembly of Goa.

LA/LEGN/2022/1401

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

**The Goa Media Persons and Media  
Institutions (Prevention of Violence and  
Damage or Loss to Property) Bill, 2022**

(Bill No. 42 of 2022)

A

BILL

*to provide for the prevention of violence against media persons and prevention of damage or loss to the property of media*

*persons and media institutions in the State of Goa and for matters connected therewith or incidental thereto.*

BE it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India, as follows:—

1. *Short title, extent and commencement.*—

(a) This Act may be called the Goa Media Persons and Media Institutions (Prevention of Violence and Damage or Loss to Property) Act, 2022.

(b) It extends to the whole of the State of Goa.

(c) It shall come into force at once.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “media institution” includes any registered newspaper establishment, news channel establishment, news-based electronic media establishment or news station establishment;

(b) “media person” means a person whose principal avocation is that of a journalist and who is employed as a journalist, either on regular, part time or contract basis, in, or in relation to, one or more media institutions and includes an editor, sub-editor, news editor, reporter, correspondent, cartoonist, news-photographer, television cameraman, leader-writer, feature-writer, copy-tester and proof-reader but does not include a person who,—

(i) is employed mainly in a managerial or administrative capacity; or

(ii) being employed in a supervisory capacity, performs, either by the nature of the duties attached to his office or by reason of the powers vested in him, functions mainly of a managerial nature;

(c) “newspaper” means any printed or online periodical work containing public news or comments on public news and includes such other class of printed or periodical work as may, from time to time, be notified in this behalf by the Central Government in the Official Gazette under

the working journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955);

(d) “news channel” means a television channel which is registered as news channel with the Ministry of Information and Broadcasting, Government of India;

(e) “newspaper establishment” means an establishment under the control of any person or body of persons, whether incorporated or not which deals with, the production or publication of newspaper or runs a news agency or syndicate.

Explanation.— For the purposes of this clause,—

(i) different departments, branches and centres of newspaper establishment shall be treated as parts thereof;

(ii) a printing press shall be deemed to be a newspaper establishment if the principal business thereof is to print newspaper;

(f) “news-based electronic media” means any news-based electronic media that uses electronic devices for the end user to access the content;

(g) “news station” means a television or radio station which produces and broadcasts news;

(h) “offender” means any person, who either by himself or as a member or leader of a group of persons or organization commits or attempts to commit or abets or instigates or provokes the commission of violence under this Act;

(i) “property” means any property, movable or immovable or equipment or machinery owned by or in possession of a media person or media institution;

(j) “violence” means an act which causes harm, injury or endangers the life of any media person during the discharge of his duty as a media person, or damage or loss to the property belonging to any media person or media institution;



3. *Prohibition of violence.*— Any act of violence against a media person or damage or loss to the property of media person or media institution is hereby prohibited.

4. *Penalty.*— Whoever commits or abets or instigates or provokes the commission of any act of violence in contravention of the provisions of section 3, shall be punished with imprisonment which may extend to three years, or with fine, which may extend to fifty thousand rupees, or with both.

5. *Investigation of Offence.*— Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), a police officer not below the rank of Police Inspector of concerned Police Station shall investigate any offence under this Act.

6. *Cognizance of Offence.*— Any offence committed under this Act shall be cognizable and non-bailable and triable by the Court of Judicial Magistrate First Class.

7. *Liabilities to pay compensation for damage or loss caused to property.*— (a) In addition to the punishment specified in section 4, the offender shall be liable to pay compensation for damage or loss caused to the property of media person or media institution, as may be determined by the Court referred to in section 6 and he shall also be liable to reimburse medical expenditure incurred by the media person.

(b) If person convicted under this Act does not pay the compensation and medical expenditure imposed under sub-section (1), the same shall be recovered as if it were arrears of land revenue, due from him.

8. *Punishment for misuse of provisions contained in this Act.*— (a) Whoever, being a media person willfully misuses the provisions of this Act or uses the same for malicious purposes or makes a false complaint under this Act shall be punishable with imprisonment which may extend to three years or with fine, which may extend to fifty thousand rupees, or with both.

(b) The media person, after conviction under sub-section (1), shall not be entitled for any Government benefit as a Media

Person, and his accreditation card shall be permanently revoked.

9. *Act not in derogation of any other law.*—The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

#### Statement of Objects and Reasons

The Bill seeks to provide for the prevention of violence against media persons and prevention of damage or loss to the property of media persons or media institutions, in the State of Goa. The Bill seeks to prohibit violence against media persons and damage or loss to the property belonging to media persons or media institutions and to check the recurrence of such incidents in the State.

This Bill seeks to achieve the above objects.

#### Financial Memorandum

No financial implications are involved in this Bill.

#### Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim  
Date

Dr. PRAMOD SAWANT  
Chief Minister.

Assembly Hall  
Porvorim-Goa.

NAMRATA ULMAN  
Secretary to the Legislative  
Assembly of Goa

LA/LEGN/2022/1402

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Public Health (Amendment) Bill,  
2022

(Bill No. 43 of 2022)

A

BILL

*further to amend the Goa Public Health Act,  
1985 (Act No. 25 of 1985)*

Be it enacted by the Legislative Assembly of Goa in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Public Health (Amendment) Act, 2022.

(2) It shall come into force at once.

2. *Amendment of section 40.*— In section 40 of the Goa Public Health Act, 1985 (Act No. 25 of 1985) (hereinafter referred to as the "principal Act"), in sub-section (6), for the expression "simple imprisonment for a term which may extend to 30 days or with fine which may extend to Rs. 5000/-, or with both", the expression "fine which may extend to Rs. 25,000/-" shall be substituted.

3. *Amendment of section 50E.*— In section 50E of the principal Act, for the expression "imprisonment which may extend to three months or with fine which may extend to Rs. 5000/-, or with both", the expression "fine which may extend to Rs. 25,000/-" shall be substituted.

4. *Amendment of section 71.*— In section 71 of the principal Act, in sub-section (3), in clause (b), for the expression "imprisonment which may extend to three months, or with fine or with both", the expression "fine which may extend to Rs. 25,000/-" shall be substituted.

5. *Amendment of section 87 F.*— In section 87 F of the principal Act, for the expression "imprisonment for a term which shall not be less than six months, but which may extend to three years and with a fine which shall not be less than ten thousand rupees", the

expression "a fine which shall not be less than ten thousand rupees, but which may extend to Rs. 25,000/-" shall be substituted.

6. *Amendment of section 94C.*— In section 94C of the principal Act, for the expression "liable to punishment with imprisonment for a term which may extend to six months or a fine which may extend to Rs. 50,000/- or both", the expression "punishable with a fine which may extend to Rs. 50,000/-" shall be substituted.

7. *Amendment of section 111.*— In section 111 of the principal Act, for the expression "imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both", the expression "fine which may extend to one thousand rupees" shall be substituted.

Statement of Objects and Reasons

The Bill seeks to amend sections 40, 50E, 71, 87F, 94C and 111 of the Goa Public Health Act, 1985 (Act No. 25 of 1985) so as to decriminalize the provisions contained therein in order to eliminate the risk of imprisonment for citizens for minor violations.

This Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim-Goa.

Dated: 22-07-2022.

VISHWAJIT RANE

Hon'ble Minister for  
Health.

Assembly Hall.

Porvorim, Goa.

Dated: 22-07-2022.

NAMRATA A. ULMAN

Secretary to the Legislative  
Assembly of Goa

ANNEXURE

**Extract of sections 40, 50, 71, 87F, 94C and  
111 of the Goa Public Health Act, 1985  
(Act No. 25 of 1985)**

Section 40

**40. Power of Health Officer to abate nuisance.—**

(1) If the Health Officer is satisfied, whether upon information received under section 39 or otherwise, of the existence of a nuisance, he shall be duty bound to issue a notice, within a period of seven days from the date of receipt of such information or date of knowledge of the existence of such nuisance, as the case may be, requiring the person who is responsible for such nuisance or by whose act, default or sufferance or thing the nuisance arises or continues, and/or if that person cannot be found, the owner or occupier of the premises in respect of which the nuisance arises or continues, to abate the nuisance and to execute such works and take such steps as may be necessary for that purpose, within a period as may be fixed in the notice, not exceeding sixty days in any case:

Provided that, the Health Officer, for reasons to be recorded in writing, and upon the application in writing by such person to whom such notice is issued, may extend the period specified in such notice, by a further period of fifteen days, in the facts and circumstances of the case.

(2) The officer-in-charge of the police station of the area concerned shall be duty bound and responsible, when called upon by the concerned Health Officer or such other officer as authorised by the Directorate of Health Services, to provide necessary police protection for removal and/or to ensure removal of such nuisance and shall also provide all possible assistance for removal of such nuisance. The officer-in-charge of the police station, shall be answerable and responsible for non-compliance of the requisition made by the Health Officer or by such other person as specified in this sub-section.

(3) The directions as contained in the notice under sub-section (1) shall have effect, notwithstanding anything contained in any other law for the time being in force or any custom or usage or decree or order of a Court, or any agreement or contract, express or implied, as far as they are not inconsistent with the provisions of this section.

(4) The issuance of the notice under sub-section (1) to a person, as an occupier of any premises, shall not create any legal right, title or interest in such

person, in respect of such premises, if such person is not the owner of such premises as the notice issued is only for creating the liability of abatement of nuisance or execution of any work or to take such steps as may be directed under sub-section (1).

(4-A) Notwithstanding anything contained in sub-section (5), if any person, whether owner or occupier of any premises, to whom a notice is issued by the Health Officer under sub-section (1), fails to comply with the directions given therein within the specified period or within the extended period, as the case may be, and the nuisance is caused due to improper drainage or due to overflowing of septic tanks, etc., the owner or occupier of the premises shall be liable to pay a fine of rupees five hundred per day till such time the nuisance is abated or the occurrence thereof is stopped.

(ii) in sub-section (5), after the first proviso, the following proviso shall be inserted, namely:—

Provided further that the Health Officer, after giving due notice to the defaulter, may request the Electricity Department or the Public Works Department, as the case may be, to disconnect the electricity or water supply to the premises or place in respect of which the nuisance arose or continues and the Electricity Department or the Public Works Department to whom such request is made shall forthwith disconnect said supply and such disconnection shall continue till the nuisance is removed to the entire satisfaction of the Health Officer.

(5) If any person, owner or occupier of any premises, to whom a notice is issued by the Health Officer under sub-section (1), fails to comply with the directions given therein, within the specified period or within the extended period, as the case may be, the Health Officer shall himself execute any work or take such steps, which he may consider necessary, to abate the nuisance and to prevent the recurrence thereof:

Provided that, any expenses incurred or loss suffered on account of execution of any work or steps taken by the Health Officer, for abatement of nuisance under this sub-section, shall be recovered from the person to whom the notice under sub-section (1) was issued, as arrears of land revenue.

(6) The failure to comply with the directions contained in the notice issued under sub-section (1) shall be cognizable offence, punishable with simple imprisonment for a term which may extend to 30 days or with fine which may extend to Rs. 5000/-, or with both:

Provided that the said offence may be compounded by the Health Officer, if the offender agrees to pay a fine of Rs. 3,500/-.

(7) In case of any nuisance arising in respect of the premises belonging to the Government, the officer-in-charge of the said premises or Head of office, as the case may be, shall be liable personally to be issued a notice under sub-section (1) as also for the penalty specified in sub-section (6) :

Provided that if the Health Officer himself is the office-in-charge of such premises or Head of office, the provisions of sub-section (1) shall not be applicable to him although he shall be duty bound and liable to abate the nuisance within a period of eight days from the date of knowledge of the existence of nuisance.

(8) If the Health Officer, after receiving the information of any nuisance, either under section 39 or upon his own knowledge, intentionally or deliberately, fails or neglects, to take any action as provided for, in sub-section (1), (5) or (7) as the case may be, within the period specified thereto, he shall be liable for payment of fine at the rate of at least Rs. 50/- per day and which may extend to Rs. 5000/-, upon conviction by the Judicial Magistrate First Class, after a complaint at that regard is filed by any person aggrieved by a nuisance.

#### Section 50E

**50E— Penalty for operating ambulance van without permit.**— Whoever operates or causes or allows to operate an ambulance van in contravention of the provisions of section 50-A, shall be punishable with imprisonment which may extend to three months or with fine which may extend to Rs. 5000/-, or with both.

#### Section 71

**71. Power of Government to confer special powers on officers to control notified disease.**— (1) (a) In the event of the prevalence or threatened outbreak of a notified disease in any place or area, Government may declare that such place or area is visited by or threatened with, an outbreak of such disease.

(b) The power conferred on the Government by clause (a) may also be exercised, in the case of a place or area situated in a district, by the Collector of the district subject to the control of the Government.

(c) Any declaration made by the Government under clause (a) or withdrawal thereof in whole or in part shall be published in the Official Gazette and

shall come into operation on the date of such publication.

(d) Any declaration made by the Collector under clause (b) or withdrawal thereof in whole or in part shall be published in the Official Gazette and shall come into operation on the date of such publication.

(2) When a declaration under clause (a) or clause (b) of sub-section (1) comes into operation, and until withdrawn, the Collector or any person duly authorised by him by general or special order, or if empowered in this behalf by rules made under this Act, the Health Officer or any other officer of the Government other than the Collector may, subject to such exceptions, restrictions, limitations and conditions as may be prescribed either generally or in the case of the notified disease to which the declaration relates, exercise the following powers, namely:—

(a) power to order the evacuation of infected houses and houses adjoining them or in their neighbourhood, or generally of all houses in an infected locality;

(b) power to make vaccination and preventive inoculations compulsory subject to the provisions of sub-section (3) ;

(c) power to direct —

(i) that persons arriving from places outside the local area, or residing in any building, adjacent to, or in the neighbouring of, an infected building, shall be examined by any specified medical officer or by any one of a specified class of medical officers;

(ii) that the clothing, bedding or other articles belonging to such persons shall be disinfected, if there is reason to suspect that they have been exposed to infection; and

(iii) that any such person shall give address and present himself daily for medical examination at a specified time and place, for a period not exceeding ten days;

(d) power to take such measures as may be necessary in respect of, or in relation to, articles exposed to infection from any notified disease, or likely to infect persons with any such disease, including (i) the placing or restrictions on the movements of such persons, and (ii) the destruction of such articles and the placing of restrictions on their export from, import into, or transport within the local area;



(e) power to direct that any consignment of grain exported into such area by rail, road or otherwise, shall be examined and, if necessary unloaded and disinfected in any specified manner;

(f) power to close all or any existing markets and to appoint special places where markets may be held; and

(g) power to direct the local authorities to take such measures as may be necessary in respect of cattle within local area;

(3) (a) If any person who, or a child in whose care, is sought to be vaccinated or inoculated in pursuance of the power referred to in clause (b) of sub-section (2) declare before a Magistrate specially empowered by the Government in this behalf that as a result of a careful inquiry into the subject, he believes that such vaccination or inoculation, will be injurious to his health or the health of the child, as the case may be, the Magistrate may, after giving notice to the Health Officer and hearing any representation by him or on his behalf exempt such person or child from vaccination or inoculations, on such person aforesaid undertaking to subject himself and the members of his family to isolation of such description and for such period and to such further restrictions, if any, as may be, directed by the Magistrate:

Provided that any exemption granted under this clause shall cease to have effect after a conviction under clause (b) and no exemption, shall be granted to any person who has been so convicted.

(b) Any person who commits a breach of any undertaking given by him under clause (a) shall be punished with imprisonment which may extend to three months, or with fine or with both.

(4) The local authority may, in its discretion give compensation to any person who, in its opinion has

sustained substantial loss by the destruction of any property under the powers conferred by this section but save as provided in this sub-section, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers aforesaid.

#### Section 87F

87F. *Penalty.*— Whoever contravenes the provisions of this Chapter shall, on conviction, be punishable with imprisonment for a term which shall not be less than six months, but which may extend to three years and with a fine which shall not be less than ten thousand rupees.

#### Section 94C

94C. *Punishment for non-compliance with order under section 94A.*— Any person or statutory functionary or other functionaries or the principal officer of any authority or local body, responsible for complying with the order under section 94A, disobeying or not complying forthwith, or abetting violation of any orders under section 94A shall, on a trial by a Magistrate, be liable to punishment with imprisonment for a term which may extend to six months or a fine which may extend to Rs. 50,000/- or both.

#### Section 111

111. *Punishment for malicious abuse of powers.*— Any local authority or any officer or servant of a local authority or of the Government, or any person appointed under section 11 of this Act, who maliciously abuses any powers conferred on him by or under this Act shall be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

*Explanation.*— No prosecution shall be instituted under this section without the previous sanction of the Government.

[www.goaprintingpress.gov.in](http://www.goaprintingpress.gov.in)

Printed and Published by the Director, Printing & Stationery,  
Government Printing Press,  
Mahatma Gandhi Road, Panaji-Goa 403 001.

PRICE – Rs. 64.00

PRINTED AT THE GOVERNMENT PRINTING PRESS, PANAJI-GOIA—174/120—8/2022.